

CHAPTER 98-403

House Bill No. 1019

An act relating to children and family health and safety; creating the “Marriage Preparation and Preservation Act”; providing legislative findings; amending s. 232.246, F.S.; prescribing a high school graduation requirement; amending s. 741.01, F.S.; providing for a reduction of the marriage license fee under certain circumstances; creating a waiting period before a marriage license is issued; creating s. 741.0305, F.S.; providing for a premarital preparation course; providing for modification of marriage license fees; specifying course providers; providing course contents; providing for a review of such courses; providing for compilation of information and report of findings; providing for pilot programs; creating s. 741.0306, F.S.; providing for creation of a marriage law handbook created by the Family Law Section of The Florida Bar; amending s. 741.04, F.S.; prohibiting issuance of a marriage license until petitioners verify certain facts and complete a questionnaire; providing for a waiting period; amending s. 741.05, F.S.; conforming provisions; amending s. 61.043, F.S.; providing for completion of an informational questionnaire upon filing for dissolution of marriage; amending s. 61.21, F.S.; revising provisions relating to the authorized parenting course offered to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children; providing legislative findings and purpose; requiring judicial circuits to approve a parenting course; requiring parties to a dissolution proceeding with a minor child to attend a court-approved parenting family course; providing procedures and guidelines and course objectives; requiring parties to file proof of compliance with the court; authorizing the court to require parties to a modification of a final judgment of dissolution to take the course under certain circumstances; amending s. 28.101, F.S.; providing a fee for filing for dissolution of marriage; providing an appropriation; reorganizing and revising ch. 39, F.S.; providing for pt. I of said chapter, entitled “General Provisions”; amending ss. 39.001, 39.002, and 415.501, F.S.; revising purposes and intent; providing for personnel standards and screening and for drug testing; amending s. 39.01, F.S.; revising definitions; renumbering and amending s. 39.455, F.S., relating to immunity from liability for agents of the Department of Children and Family Services or a social service agency; amending s. 39.012, F.S., and creating s. 39.0121, F.S.; providing authority and requirements for department rules; renumbering and amending s. 39.40, F.S., relating to procedures and jurisdiction; providing for right to counsel; renumbering s. 39.4057, F.S., relating to permanent mailing address designation; renumbering and amending s. 39.411, F.S., relating to oaths, records, and confidential information; renumbering s. 39.414, F.S., relating to court and witness fees; renumbering and amending ss. 39.415 and 39.474, F.S., relating to compensation of appointed counsel; renumbering and amending s. 39.418, F.S., relating to the

Operations and Maintenance Trust Fund; renumbering and amending s. 415.5015, F.S., relating to child abuse prevention training in the district school system; providing for pt. II of ch. 39, F.S., entitled "Reporting Child Abuse"; renumbering and amending s. 415.504, F.S., relating to mandatory reports of child abuse, abandonment, or neglect; amending and renumbering s. 415.51, F.S.; revising provisions relating to confidentiality of Department of Children and Family Services reports and records of cases of child abuse and neglect; requiring certain recordkeeping and preservation by the department; renumbering and amending s. 415.511, F.S., relating to immunity from liability in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.512, F.S., relating to abrogation of privileged communications in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.513, F.S.; providing penalties relating to reporting of child abuse, abandonment, or neglect; deleting the requirement for the Department of Children and Family Services to provide information to the state attorney; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; providing for law enforcement entities to handle certain reports of abuse, abandonment, or neglect during the pendency of such an investigation; providing procedures; specifying the penalty for knowingly and willfully making, or advising another to make, a false report; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments and the disposition of those complaints; renumbering and amending s. 415.5131, F.S., increasing an administrative fine for false reporting; providing for civil damages; providing for pt. III of ch. 39, F.S., entitled "Protective Investigations"; creating s. 39.301, F.S.; providing for child protective investigations; creating s. 39.302, F.S.; providing for protective investigations of institutional child abuse, abandonment, or neglect; renumbering and amending s. 415.5055, F.S., relating to child protection teams and services and eligible cases; creating s. 39.3035, F.S.; providing standards for child advocacy centers eligible for state funding; renumbering and amending s. 415.507, F.S., relating to photographs, medical examinations, X rays, and medical treatment of an abused, abandoned, or neglected child; renumbering and amending s. 415.5095, F.S., relating to a model plan for intervention and treatment in sexual abuse cases; creating s. 39.306, F.S.; providing for working agreements with local law enforcement to perform criminal investigations; renumbering and amending s. 415.50171, F.S., relating to reports of child-on-child sexual abuse; providing for pt. IV of ch. 39, F.S., entitled "Family Builders Program"; renumbering and amending s. 415.515, F.S., relating to establishment of the program; renumbering and amending s. 415.516, F.S., relating to goals of the program; renumbering and amending s. 415.517, F.S., relating to contracts for services; renumbering and amending s. 415.518, F.S.,

relating to family eligibility; renumbering s. 415.519, F.S., relating to delivery of services; renumbering and amending s. 415.520, F.S., relating to qualifications of program workers; renumbering s. 415.521, F.S., relating to outcome evaluation; renumbering and amending s. 415.522, F.S., relating to funding; providing for pt. V of ch. 39, F.S., entitled "Taking Children into Custody and Shelter Hearings"; creating s. 39.395, F.S.; providing for medical or hospital personnel taking a child into protective custody; amending s. 39.401, F.S.; providing for law enforcement officers or authorized agents of the department taking a child alleged to be dependent into custody; amending s. 39.402, F.S., relating to placement in a shelter; amending s. 39.407, F.S., relating to physical and mental examination and treatment of a child and physical or mental examination of a person requesting custody; renumbering and amending s. 39.4033, F.S., relating to referral of a dependency case to mediation; providing for pt. VI of ch. 39, F.S., entitled "Petition, Arraignment, Adjudication, and Disposition"; renumbering and amending s. 39.404, F.S., relating to petition for dependency; renumbering and amending s. 39.405, F.S., relating to notice, process, and service; renumbering and amending s. 39.4051, F.S., relating to procedures when the identity or location of the parent, legal custodian, or caregiver is unknown; renumbering and amending s. 39.4055, F.S., relating to injunction pending disposition of a petition for detention or dependency; renumbering and amending s. 39.406, F.S., relating to answers to petitions or other pleadings; renumbering and amending s. 39.408(1), F.S., relating to arraignment hearings; renumbering and amending ss. 39.408(2) and 39.409, F.S., relating to adjudicatory hearings and orders; renumbering and amending ss. 39.408(3) and (4) and 39.41, F.S., relating to disposition hearings and powers of disposition; creating s. 39.5085, F.S.; directing the Department of Children and Family Services to establish and operate the Relative Caregiver Program; providing financial assistance within available resources to relatives caring for children; providing for financial assistance and support services to relatives caring for children placed with them by the child protection system; providing for rules establishing eligibility guidelines, caregiver benefits, and payment schedule; renumbering and amending s. 39.4105, F.S., relating to grandparents rights; renumbering and amending s. 39.413, F.S., relating to appeals; providing for pt. VII of ch. 39, F.S., entitled "Case Plans"; renumbering and amending ss. 39.4031 and 39.451, F.S., relating to case plan requirements and case planning for children in out-of-home care; renumbering and amending s. 39.452(1)-(4), F.S., relating to case planning for children in out-of-home care when the parents, legal custodians, or caregivers do not participate; renumbering and amending s. 39.452(5), F.S., relating to court approvals of case planning; providing for pt. VIII of ch. 39, F.S., entitled "Judicial Reviews"; renumbering and amending s. 39.453, F.S., relating to judicial review of the status of a child; renumbering and amending s. 39.4531, F.S., relating to citizen review panels; renumbering and amending s. 39.454, F.S., relating to initiation of proceedings for termination of parental rights; renum-

bering and amending s. 39.456, F.S.; revising exemptions from judicial review; providing for pt. IX of ch. 39, F.S., entitled "Termination of Parental Rights"; renumbering and amending ss. 39.46 and 39.462, F.S., relating to procedures, jurisdiction, and service of process; renumbering and amending ss. 39.461 and 39.4611, F.S., relating to petition for termination of parental rights, and filing and elements thereof; creating s. 39.803, F.S.; providing procedures when the identity or location of the parent is unknown after filing a petition for termination of parental rights; renumbering s. 39.4627, F.S., relating to penalties for false statements of paternity; renumbering and amending s. 39.463, F.S., relating to petitions and pleadings for which no answer is required; renumbering and amending s. 39.464, F.S., relating to grounds for termination of paternal rights; renumbering and amending s. 39.465, F.S., relating to right to counsel and appointment of a guardian ad litem; renumbering and amending s. 39.466, F.S., relating to advisory hearings; renumbering and amending s. 39.467, F.S., relating to adjudicatory hearings; renumbering and amending s. 39.4612, F.S., relating to the manifest best interests of the child; renumbering and amending s. 39.469, F.S., relating to powers of disposition and order of disposition; renumbering and amending s. 39.47, F.S., relating to post disposition relief; creating s. 39.813, F.S.; providing for continuing jurisdiction of the court which terminates parental rights over all matters pertaining to the child's adoption; renumbering s. 39.471, F.S., relating to oaths, records, and confidential information; renumbering and amending s. 39.473, F.S., relating to appeal; creating s. 39.816, F.S.; authorizing certain pilot and demonstration projects contingent on receipt of federal grants or contracts; creating s. 39.817, F.S.; providing for a foster care demonstration pilot project; providing for pt. X of ch. 39, F.S., entitled "Guardians Ad Litem and Guardian Advocates"; creating s. 39.820, F.S.; providing definitions; renumbering s. 415.5077, F.S., relating to qualifications of guardians ad litem; renumbering and amending s. 415.508, F.S., relating to appointment of a guardian ad litem for an abused, abandoned, or neglected child; renumbering and amending s. 415.5082, F.S., relating to guardian advocates for drug dependent newborns; renumbering and amending s. 415.5083, F.S., relating to procedures and jurisdiction; renumbering s. 415.5084, F.S., relating to petition for appointment of a guardian advocate; renumbering s. 415.5085, F.S., relating to process and service; renumbering and amending s. 415.5086, F.S., relating to hearing for appointment of a guardian advocate; renumbering and amending s. 415.5087, F.S., relating to grounds for appointment of a guardian advocate; renumbering s. 415.5088, F.S., relating to powers and duties of the guardian advocate; renumbering and amending s. 415.5089, F.S., relating to review and removal of a guardian advocate; providing for pt. XI of ch. 39, F.S., entitled "Domestic Violence"; renumbering s. 415.601, F.S., relating to legislative intent regarding treatment and rehabilitation of victims and perpetrators; renumbering and amending s. 415.602, F.S., relating to definitions; renumbering and amending s. 415.603, F.S., relating to duties and functions of the department; renumbering and amending s. 415.604, F.S., relating to an annual report to

the Legislature; renumbering and amending s. 415.605, F.S., relating to domestic violence centers; renumbering s. 415.606, F.S., relating to referral to such centers and notice of rights; renumbering s. 415.608, F.S., relating to confidentiality of information received by the department or a center; amending ss. 20.43, 61.13, 61.401, 61.402, 63.052, 63.092, 90.5036, 154.067, 216.136, 232.50, 318.21, 384.29, 392.65, 393.063, 395.1023, 400.4174, 400.556, 402.165, 402.166, 409.1672, 409.176, 409.2554, 409.912, 409.9126, 414.065, 447.401, 464.018, 490.014, 491.014, 741.30, 744.309, 784.075, 933.18, 944.401, 944.705, 984.03, 984.10, 984.15, 984.24, 985.03, and 985.303, F.S.; correcting cross references; conforming related provisions and references; amending s. 20.19, F.S.; providing for certification programs for family safety and preservation employees of the department; providing for rules; amending s. 119.07, F.S., to conform to the act; amending ss. 213.053 and 409.2577, F.S.; authorizing disclosure of certain confidential taxpayer and parent locator information for diligent search activities under ch. 39, F.S.; creating s. 435.045, F.S.; providing background screening requirements for prospective foster or adoptive parents; amending s. 943.045, F.S.; providing that the protective investigation component of the Department of Children and Family Services is a "criminal justice agency" for purposes of the criminal justice information system; providing appropriations; repealing s. 39.0195, F.S., relating to sheltering unmarried minors and aiding unmarried runaways; repealing s. 39.0196, F.S., relating to children locked out of the home; repealing ss. 39.39, 39.449, and 39.459, F.S., relating to definition of "department"; repealing s. 39.403, F.S., relating to protective investigation; repealing s. 39.4032, F.S., relating to multidisciplinary case staffing; repealing s. 39.4052, F.S., relating to affirmative duty of written notice to adult relatives; repealing s. 39.4053, F.S., relating to diligent search after taking a child into custody; repealing s. 39.45, F.S., relating to legislative intent regarding foster care; repealing s. 39.457, F.S., relating to a pilot program in Leon County to provide additional benefits to children in foster care; repealing s. 39.4625, F.S., relating to identity or location of parent unknown after filing of petition for termination of parental rights; repealing s. 39.472, F.S., relating to court and witness fees; repealing s. 39.475, F.S., relating to rights of grandparents; repealing ss. 415.5016, 415.50165, 415.5017, 415.50175, 415.5018, 415.50185, and 415.5019, F.S., relating to purpose and legislative intent, definitions, procedures, confidentiality of records, district authority and responsibilities, outcome evaluation, and rules for the family services response system; repealing s. 415.502, F.S., relating to legislative intent for comprehensive protective services for abused or neglected children; repealing s. 415.503, F.S., relating to definitions; repealing s. 415.505, F.S., relating to child protective investigations and investigations of institutional child abuse or neglect; repealing s. 415.506, F.S., relating to taking a child into protective custody; repealing s. 415.5075, F.S., relating to rules for medical screening and treatment of children; repealing s. 415.509, F.S., relating to public agencies' responsibilities for prevention, identification, and

treatment of child abuse and neglect; repealing s. 415.514, F.S., relating to rules for protective services; providing effective dates.

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

Section 1. Sections 1-16 of this act may be cited as the "Marriage Preparation and Preservation Act of 1998."

Section 2. (1) It is the finding of the Legislature based on reliable research that:

(1) The divorce rate has been accelerating.

(2) Just as the family is the foundation of society, the marital relationship is the foundation of the family. Consequently, strengthening marriages can only lead to stronger families, children, and communities, as well as a stronger economy.

(3) An inability to cope with stress from both internal and external sources leads to significantly higher incidents of domestic violence, child abuse, absenteeism, medical costs, learning and social deficiencies, and divorce.

(4) Relationship skills can be learned.

(5) Once learned, relationship skills can facilitate communication between parties to a marriage and assist couples in avoiding conflict.

(6) Once relationship skills are learned, they are generalized to parenting, the workplace, schools, neighborhoods, and civic relationships.

(7) By reducing conflict and increasing communication, stressors can be diminished and coping can be furthered.

(8) When effective coping exists, domestic violence, child abuse, and divorce and its effect on children, such as absenteeism, medical costs, and learning and social deficiencies, are diminished.

(9) The state has a compelling interest in educating its citizens with regard to marriage and, if contemplated, the effects of divorce.

(2) This section shall take effect January 1, 1999.

Section 3. Effective January 1, 1999, paragraph (i) of subsection (1) of section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

(1) Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits shall be distributed as follows:

(i) One-half credit in life management skills to include consumer education, positive emotional development, marriage and relationship skill-based

education, nutrition, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

School boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option must complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. School boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of the credit, and school principals are responsible for approving specific volunteer activities. A course designated in the Course Code Directory as grade 9 through grade 12 which is taken below the 9th grade may be used to satisfy high school graduation requirements or Florida Academic Scholar's Certificate Program requirements as specified in a district's pupil progression plan.

Section 4. Effective January 1, 1999, subsection (5) is added to section 741.01, Florida Statutes, to read:

741.01 County court judge or clerk of the circuit court to issue marriage license; fee.—

(5) The fee charged for each marriage license issued in the state shall be reduced by a sum of \$32.50 for all couples who present valid certificates of completion of a premarital preparation course from a qualified course provider registered under s. 741.0305(5) for a course taken no more than 1 year prior to the date of application for a marriage license. For each license issued that is subject to the fee reduction of this subsection, the clerk is not required to transfer the sum of \$7.50 to the State Treasury for deposit in the Displaced Homemaker Trust Fund pursuant to subsection (3) or to transfer the sum of \$25 to the Supreme Court for deposit in the Family Courts Trust Fund.

Section 5. Effective January 1, 1999, section 741.0305, Florida Statutes, is created to read:

741.0305 Marriage fee reduction for completion of premarital preparation course.—

(1) A man and a woman who intend to apply for a marriage license under s. 741.04 may, together or separately, complete a premarital preparation course of not less than 4 hours. Each individual shall verify completion of the course by filing with the application a valid certificate of completion from the course provider, which certificate shall specify whether the course was completed by personal instruction, videotape instruction, instruction via other electronic medium, or a combination of those methods. All individuals

who complete a premarital preparation course pursuant to this section must be issued a certificate of completion at the conclusion of the course by their course provider. Upon furnishing such certificate when applying for a marriage license, the individuals shall have their marriage license fee reduced by \$32.50.

(2) The premarital preparation course may include instruction regarding:

(a) Conflict management.

(b) Communication skills.

(c) Financial responsibilities.

(d) Children and parenting responsibilities.

(e) Data compiled from available information relating to problems reported by married couples who seek marital or individual counseling.

(3)(a) All individuals electing to participate in a premarital preparation course shall choose from the following list of qualified instructors:

1. A psychologist licensed under chapter 490.

2. A clinical social worker licensed under chapter 491.

3. A marriage and family therapist licensed under chapter 491.

4. A mental health counselor licensed under chapter 491.

5. An official representative of a religious institution which is recognized under s. 496.404(20), if the representative has relevant training.

6. Any other provider designated by a judicial circuit, including, but not limited to, school counselors who are certified to offer such courses. Each judicial circuit may establish a roster of area course providers, including those who offer the course on a sliding fee scale or for free.

(b) The costs of such premarital preparation course shall be paid by the applicant.

(4) Each premarital preparation course provider shall furnish each participant who completes the course with a certificate of completion specifying the name of the participant and the date of completion and whether the course was conducted by personal instruction, videotape instruction, or instruction via other electronic medium, or by a combination of these methods.

(5) All area course providers shall register with the clerk of the circuit court by filing an affidavit in writing attesting to the provider's compliance with the premarital preparation course requirements as set forth in this section and including the course instructor's name and qualifications, including the license number, if any, or, if an official representative of a religious institution, a statement as to relevant training. The affidavit shall also include the addresses where the provider may be contacted.

Section 6. (1) (1) Premarital preparation courses offered and completed by individuals across the state shall be reviewed by researchers from the Florida State University Center for Marriage and Family in order to determine the efficacy of such premarital preparation courses.

(2) Premarital preparation pilot programs may be created by the Florida State University Center for Marriage and Family, which will be administered by course providers or by qualified instructors as provided in s. 741.0305(3), Florida Statutes. These pilot programs shall offer a premarital preparation course based on statistical information and data obtained by researchers from the Florida State University Center for Marriage and Family.

(3) The Florida State University Center for Marriage and Family shall develop a questionnaire and create a curriculum based on data collected by its researchers. Any curriculum developed by The Florida State University Center for Marriage and Family researchers shall be the sole property of the center.

(2) This section shall take effect January 1, 1999.

Section 7. Effective January 1, 1999, section 741.0306, Florida Statutes, is created to read:

741.0306 Creation of a family law handbook.—

(1) Based upon their willingness to undertake this project, there shall be created by the Family Law Section of The Florida Bar a handbook explaining those sections of Florida law pertaining to the rights and responsibilities under Florida law of marital partners to each other and to their children, both during a marriage and upon dissolution. The material in the handbook or other suitable electronic media shall be reviewed for accuracy by the Family Court Steering Committee of the Florida Supreme Court prior to publication and distribution.

(2) Such handbooks shall be available from the clerk of the circuit court upon application for a marriage license. The clerks may also make the information in the handbook available on videotape or other electronic media and are encouraged to provide a list of course providers and sites at which marriage and relationship skill-building classes are available.

(3) The information contained in the handbook or other electronic media presentation may be reviewed and updated annually, and may include, but need not be limited to:

(a) Prenuptial agreements; as a contract and as an opportunity to structure financial arrangements and other aspects of the marital relationship.

(b) Shared parental responsibility for children; the determination of primary residence or custody and secondary residence or routine visitation, holiday, summer, and vacation visitation arrangements, telephone access, and the process for notice for changes.

(c) Permanent relocation restrictions on parents with primary residential responsibility.

(d) Child support for minor children; both parents are obligated for support in accordance with applicable child support guidelines.

(e) Property rights, including equitable distribution, special equity, premarital property, and nonmarital property.

(f) Alimony, including temporary, permanent rehabilitative, and lump sum.

(g) Domestic violence and child abuse and neglect, including penalties and other ramifications of false reporting.

(h) Court process for dissolution with or without legal assistance, including who may attend, the recording of proceedings, how to access those records, and the cost of such access.

(i) Parent education course requirements for divorcing parents with children.

(j) Community resources that are available for separating or divorcing persons and their children.

(k) Women's rights specified in the Battered Women's Bill of Rights.

(4) The material contained in such a handbook may also be provided through videotape or other suitable electronic media. The information contained in the handbook or other electronic media presentation shall be reviewed and updated annually.

Section 8. Effective January 1, 1999, section 741.04, Florida Statutes, is amended to read:

741.04 Marriage license issued.—

(1) No county court judge or clerk of the circuit court in this state shall issue a license for the marriage of any person unless there shall be first presented and filed with him or her an affidavit in writing, signed by both parties to the marriage, providing the social security numbers of each party, made and subscribed before some person authorized by law to administer an oath, reciting the true and correct ages of such parties; unless both such parties shall be over the age of 18 years, except as provided in s. 741.0405; and unless one party is a male and the other party is a female. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(2) No county court judge or clerk of the circuit court in this state shall issue a license for the marriage of any person unless there shall be first presented and filed with him or her:

(a) A statement in writing, signed by both parties, which specifies whether the parties, separately or together, have completed a premarital preparation course.

(b) A statement that verifies that both parties have obtained and read or otherwise accessed the information contained in the handbook or other electronic media presentation of the rights and responsibilities of parties to a marriage specified in s. 741.0306.

(3) If a couple has not submitted to the clerk valid certificates of completion of a premarital preparation course, the effective date of the marriage license shall be delayed 3 days from the date of application. The effective date shall be printed on the marriage license in bold print. If a couple has submitted valid certificates of completion of a premarital preparation course, the effective date of the marriage license shall not be delayed. Exceptions to the delayed effective date must be granted to non-Florida residents seeking a marriage license from the state and for individuals asserting hardship. Marriage license fee waivers shall continue to be available to all eligible individuals. For state residents, a county court judge issuing a marriage license may waive the delayed effective date for good cause.

Section 9. (1) When applying for a marriage license, an applicant may complete and file with the clerk of the circuit court an unsigned anonymous informational questionnaire which shall be provided by the clerk. The clerk shall, for purposes of anonymity, keep all such questionnaires in a separate file for later distribution by the clerk to researchers from The Florida State University Center for Marriage and Family. These questionnaires must be made available to researchers from the center at their request. Researchers from the center shall develop the questionnaire and distribute them to the clerk of the circuit court in each county.

(2) This section shall take effect January 1, 1999.

Section 10. Effective January 1, 1999, section 741.05, Florida Statutes, is amended to read:

741.05 Penalty for violation of ss. 741.03, 741.04(1).—Any county court judge, clerk of the circuit court, or other person who shall violate any provision of ss. 741.03 and 741.04(1) shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 11. Effective January 1, 1999, section 61.043, Florida Statutes, is amended to read:

61.043 Commencement of a proceeding for dissolution of marriage or for alimony and child support.—

(1) A proceeding for dissolution of marriage or a proceeding under s. 61.09 shall be commenced by filing in the circuit court a petition entitled “In re the marriage of, husband, and, wife.” A copy of the petition together with a copy of a summons shall be served upon the other party to the marriage in the same manner as service of papers in civil actions generally.

(2) Upon filing for dissolution of marriage, the petitioner must complete and file with the clerk of the circuit court an unsigned anonymous informational questionnaire. For purposes of anonymity, completed questionnaires must be kept in a separate file for later distribution by the clerk to researchers from The Florida State University Center for Marriage and Family. These questionnaires must be made available to researchers from The Florida State University Center for Marriage and Family at their request. The actual questionnaire shall be formulated by researchers from Florida State University who shall distribute them to the clerk of the circuit court in each county.

Section 12. Effective January 1, 1999, subsection (2) of section 61.052, Florida Statutes, is amended to read:

61.052 Dissolution of marriage.—

(2) Based on the evidence at the hearing, which evidence need not be corroborated except to establish that the residence requirements of s. 61.021 are met which may be corroborated by a valid Florida driver's license, a Florida voter's registration card, a valid Florida identification card issued under ss. 322.051, or the testimony or affidavit of a third party, the court shall dispose of the petition for dissolution of marriage when the petition is based on the allegation that the marriage is irretrievably broken as follows:

(a) If there is no minor child of the marriage and if the responding party does not, by answer to the petition for dissolution, deny that the marriage is irretrievably broken, the court shall enter a judgment of dissolution of the marriage if the court finds that the marriage is irretrievably broken.

(b) When there is a minor child of the marriage, or when the responding party denies by answer to the petition for dissolution that the marriage is irretrievably broken, the court may:

1. Order either or both parties to consult with a marriage counselor, psychologist, psychiatrist, minister, priest, rabbi, or any other person deemed qualified by the court and acceptable to the party or parties ordered to seek consultation; or

2. Continue the proceedings for a reasonable length of time not to exceed 3 months, to enable the parties themselves to effect a reconciliation; or

3. Take such other action as may be in the best interest of the parties and the minor child of the marriage.

If, at any time, the court finds that the marriage is irretrievably broken, the court shall enter a judgment of dissolution of the marriage. If the court finds that the marriage is not irretrievably broken, it shall deny the petition for dissolution of marriage.

Section 13. Effective January 1, 1999, section 61.21, Florida Statutes, is amended to read:

61.21 Parenting course authorized; fees; required attendance authorized; contempt.—

(1) LEGISLATIVE FINDINGS; PURPOSE.—It is the finding of the Legislature that:

(a) A large number of children experience the separation or divorce of their parents each year. Parental conflict related to divorce is a societal concern because children suffer potential short-term and long-term detrimental economic, emotional, and educational effects during this difficult period of family transition. This is particularly true when parents engage in lengthy legal conflict.

(b) Parents are more likely to consider the best interests of their children when determining parental arrangements if courts provide families with information regarding the process by which courts make decisions on issues affecting their children and suggestions as to how parents may ease the coming adjustments in family structure for their children.

(c) It has been found to be beneficial to parents who are separating or divorcing to have available an educational program that will provide general information regarding:

1. The issues and legal procedures for resolving custody and child support disputes.

2. The emotional experiences and problems of divorcing adults.

3. The family problems and the emotional concerns and needs of the children.

4. The availability of community services and resources.

(d) Parents who are separating or divorcing are more likely to receive maximum benefit from a program if they attend such program at the earliest stages of their dispute, before extensive litigation occurs and adversarial positions are assumed or intensified.

(2)(4) All judicial circuits in the state shall ~~may~~ approve a parenting course which shall be a course of a minimum of 4 hours designed to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children.

(a) The parenting course referred to in this section shall be named the Parent Education and Family Stabilization Course and may include, but need not be limited to, the following topics as they relate to court actions between parents involving custody, care, visitation, and support of a child or children:

1. Legal aspects of deciding child-related issues between parents.

2. Emotional aspects of separation and divorce on adults.

3. Emotional aspects of separation and divorce on children.

4. Family relationships and family dynamics.

5. Financial responsibilities to a child or children.

6. Issues regarding spousal or child abuse and neglect.

7. Skill-based relationship education that may be generalized to parenting, workplace, school, neighborhood, and civic relationships.

(b) Information regarding spousal and child abuse and neglect shall be included in every parent education and family stabilization course. A list of local agencies that provide assistance with such issues shall also be provided.

(c) The parent education and family stabilization course shall be educational in nature and shall not be designed to provide individual mental health therapy for parents or children, or individual legal advice to parents or children.

(d) Course providers shall not solicit participants from the sessions they conduct to become private clients or patients.

(e) Course providers shall not give individual legal advice or mental health therapy.

(3)(2) All parties to a dissolution of marriage proceeding with minor children or a paternity action which involves issues of parental responsibility shall or a modification of a final judgment action involving shared parental responsibilities, custody, or visitation may be required to complete the Parent Education and Family Stabilization a court-approved parenting Course prior to the entry by the court of a final judgment or order modifying the final judgment. The court may excuse a party from attending the parenting course for good cause.

(4)(3) All parties required to complete a parenting course under this section shall begin the course as expeditiously as possible after filing for dissolution of marriage and shall file proof of compliance with the court prior to the entry of the final judgment or order modifying the final judgment.

(5) All parties to a modification of a final judgment involving shared parental responsibilities, custody, or visitation may be required to complete a court-approved parenting course prior to the entry of an order modifying the final judgment.

(6) Each judicial circuit may establish a registry of course providers and sites at which the parent education and family stabilization course required by this section may be completed. The court shall also include within the registry of course providers and sites at least one site in each circuit at which the parent education and family stabilization course may be completed on a sliding fee scale, if available.

(7)(4) A reasonable fee may be charged to each parent attending the course.

(8)(5) Information obtained or statements made by the parties at any educational session required under this statute shall not be considered in

the adjudication of a pending or subsequent action, nor shall any report resulting from such educational session become part of the record of the case unless the parties have stipulated in writing to the contrary.

(9)(6) The court may hold any parent who fails to attend a required parenting course in contempt or that parent may be denied shared parental responsibility or visitation or otherwise sanctioned as the court deems appropriate.

(10)(7) Nothing in this section shall be construed to require the parties to a dissolution of marriage to attend a court-approved parenting course together.

(11) The court may, without motion of either party, prohibit the parenting course from being taken together, if there is a history of domestic violence between the parties.

Section 14. Effective January 1, 1999, paragraph (d) is added to subsection (1) of section 28.101, Florida Statutes, to read:

28.101 Petitions and records of dissolution of marriage; additional charges.—

(1) When a party petitions for a dissolution of marriage, in addition to the filing charges in s. 28.241, the clerk shall collect and receive:

(d) A charge of \$32.50. On a monthly basis the clerk shall transfer the moneys collected pursuant to this paragraph as follows:

1. An amount of \$7.50 to the State Treasury for deposit in the Displaced Homemaker Trust Fund.

2. An amount of \$25 to the Supreme Court for deposit in the Family Courts Trust Fund.

Section 15. Effective January 1, 1999, section 25.388, Florida Statutes, is amended to read:

25.388 Family Courts Trust Fund.—

(1)(a) The trust fund moneys in the Family Courts Trust Fund, administered by the Supreme Court, shall be used to implement family court plans in all judicial circuits of this state.

(b) The Supreme Court, through the Office of the State Courts Administrator, shall adopt a comprehensive plan for the operation of the trust fund and the expenditure of any moneys deposited into the trust fund. The plan shall provide for a comprehensive integrated response to families in litigation, including domestic violence matters, guardian ad litem programs, mediation programs, legal support, training, automation, and other related costs incurred to benefit the citizens of the state and the courts in relation to family law cases. The trust fund shall be used to fund the publication of the handbook created pursuant to s. 741.0306.

(2) As part of its comprehensive plan, the Supreme Court shall evaluate the necessity for an installment plan or a waiver for any or all of the fees based on financial necessity and report such findings to the Legislature.

(3) The trust fund shall be funded with moneys generated from fees assessed pursuant to ss. 28.101 and s. 741.01(4).

Section 16. Effective January 1, 1999, there is hereby appropriated in fiscal year 1998-1999 the sum of \$75,000 from the General Revenue Fund to the Florida State University Center for Marriage and Family for review of premarital preparation courses, development of premarital preparation pilot programs, and development of a questionnaire and creation of a curriculum based on data collected by its researchers.

Section 17. Part I of chapter 39, Florida Statutes, consisting of sections 39.001, 39.01, 39.011, 39.012, 39.0121, 39.013, 39.0131, 39.0132, 39.0133, 39.0134, and 39.0135, Florida Statutes, shall be entitled to read:

PART I
GENERAL PROVISIONS

Section 18. Section 39.001, Florida Statutes, is amended, subsection (3) of said section is renumbered as subsection (9), section 39.002, Florida Statutes, is renumbered as subsections (3), (4), and (5) of said section and amended, and section 415.501, Florida Statutes, is renumbered as subsections (6), (7), and (8) of said section and amended, to read:

39.001 Purposes and intent; personnel standards and screening.—

(1) PURPOSES OF CHAPTER.—The purposes of this chapter are:

(a)(b) To provide for the care, safety, and protection of children in an environment that fosters healthy social, emotional, intellectual, and physical development; to ensure secure and safe custody; and to promote the health and well-being of all children under the state's care.

(b) To recognize that most families desire to be competent caregivers and providers for their children and that children achieve their greatest potential when families are able to support and nurture the growth and development of their children. Therefore, the Legislature finds that policies and procedures that provide for intervention through the department's child protection system should be based on the following principles:

1. The health and safety of the children served shall be of paramount concern.

2. The intervention should engage families in constructive, supportive, and nonadversarial relationships.

3. The intervention should intrude as little as possible into the life of the family, be focused on clearly defined objectives, and take the most parsimonious path to remedy a family's problems.

4. The intervention should be based upon outcome evaluation results that demonstrate success in protecting children and supporting families.

(c) To provide a child protection system that reflects a partnership between the department, other agencies, and local communities.

(d) To provide a child protection system that is sensitive to the social and cultural diversity of the state.

(e) To provide procedures which allow the department to respond to reports of child abuse, abandonment, or neglect in the most efficient and effective manner that ensures the health and safety of children and the integrity of families.

~~(c) To ensure the protection of society, by providing for a comprehensive standardized assessment of the child's needs so that the most appropriate control, discipline, punishment, and treatment can be administered consistent with the seriousness of the act committed, the community's long-term need for public safety, the prior record of the child and the specific rehabilitation needs of the child, while also providing whenever possible restitution to the victim of the offense.~~

~~(f)(d) To preserve and strengthen the child's family ties whenever possible, removing the child from parental custody only when his or her welfare or the safety and protection of the public cannot be adequately safeguarded without such removal.; and, when the child is removed from his or her own family, to secure for the child custody, care, and discipline as nearly as possible equivalent to that which should have been given by the parents; and to assure, in all cases in which a child must be permanently removed from parental custody, that the child be placed in an approved family home, adoptive home, independent living program, or other placement that provides the most stable and permanent living arrangement for the child, as determined by the court.~~

(g) To ensure that the parent or guardian from whose custody the child has been taken assists the department to the fullest extent possible in locating relatives suitable to serve as caregivers for the child.

(h) To ensure that permanent placement with the biological or adoptive family is achieved as soon as possible for every child in foster care and that no child remains in foster care longer than 1 year.

(i) To secure for the child, when removal of the child from his or her own family is necessary, custody, care, and discipline as nearly as possible equivalent to that which should have been given by the parents; and to ensure, in all cases in which a child must be removed from parental custody, that the child is placed in an approved relative home, licensed foster home, adoptive home, or independent living program that provides the most stable and potentially permanent living arrangement for the child, as determined by the court. All placements shall be in a safe environment where drugs and alcohol are not abused.

(j) To ensure that, when reunification or adoption is not possible, the child will be prepared for alternative permanency goals or placements, to include, but not be limited to, long-term foster care, independent living,

custody to a relative on a permanent basis with or without legal guardianship, or custody to a foster parent or caregiver on a permanent basis with or without legal guardianship.

(k) To make every possible effort, when two or more children who are in the care or under the supervision of the department are siblings, to place the siblings in the same home; and in the event of permanent placement of the siblings, to place them in the same adoptive home or, if the siblings are separated, to keep them in contact with each other.

(l)(a) To provide judicial and other procedures to assure due process through which children, parents, and guardians and other interested parties are assured fair hearings by a respectful and respected court or other tribunal and the recognition, protection, and enforcement of their constitutional and other legal rights, while ensuring that public safety interests and the authority and dignity of the courts are adequately protected.

(m) To ensure that children under the jurisdiction of the courts are provided equal treatment with respect to goals, objectives, services, and case plans, without regard to the location of their placement. It is the further intent of the Legislature that, when children are removed from their homes, disruption to their education be minimized to the extent possible.

~~(e)1. To assure that the adjudication and disposition of a child alleged or found to have committed a violation of Florida law be exercised with appropriate discretion and in keeping with the seriousness of the offense and the need for treatment services, and that all findings made under this chapter be based upon facts presented at a hearing that meets the constitutional standards of fundamental fairness and due process.~~

~~2. To assure that the sentencing and placement of a child tried as an adult be appropriate and in keeping with the seriousness of the offense and the child's need for rehabilitative services, and that the proceedings and procedures applicable to such sentencing and placement be applied within the full framework of constitutional standards of fundamental fairness and due process.~~

~~(f) To provide children committed to the Department of Juvenile Justice with training in life skills, including career education.~~

~~(2) DEPARTMENT CONTRACTS.—The department of Juvenile Justice or the Department of Children and Family Services, as appropriate, may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.~~

~~(a) When the department of Juvenile Justice or the Department of Children and Family Services contracts with a provider for any program for children, all personnel, including owners, operators, employees, and volunteers, in the facility must be of good moral character. A volunteer who assists on an intermittent basis for less than 40 hours per month need not be~~

screened if the volunteer is under direct and constant supervision by persons who meet the screening requirements.

(b) ~~The department of Juvenile Justice and the Department of Children and Family Services shall require employment screening, and rescreening no less frequently than once every 5 years, pursuant to chapter 435, using the level 2 standards set forth in that chapter for personnel in programs for children or youths.~~

(c) ~~The department of Juvenile Justice or the Department of Children and Family Services may grant exemptions from disqualification from working with children as provided in s. 435.07.~~

(d) The department shall require all job applicants, current employees, volunteers, and contract personnel who currently perform or are seeking to perform child protective investigations to be drug tested pursuant to the procedures and requirements of s. 112.0455, the Drug-Free Workplace Act. The department is authorized to adopt rules, policies, and procedures necessary to implement this paragraph.

(e) The department shall develop and implement a written and performance-based testing and evaluation program pursuant to s. 20.19(4), to ensure measurable competencies of all employees assigned to manage or supervise cases of child abuse, abandonment, and neglect.

39.002 — Legislative intent.—

(3)(4) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of the Legislature that the children of this state be provided with the following protections:

- (a) Protection from abuse, abandonment, neglect, and exploitation.
- (b) A permanent and stable home.
- (c) A safe and nurturing environment which will preserve a sense of personal dignity and integrity.
- (d) Adequate nutrition, shelter, and clothing.
- (e) Effective treatment to address physical, social, and emotional needs, regardless of geographical location.
- (f) Equal opportunity and access to quality and effective education, which will meet the individual needs of each child, and to recreation and other community resources to develop individual abilities.
- (g) Access to preventive services.
- (h) An independent, trained advocate, when intervention is necessary and a skilled guardian or caregiver ~~caretaker~~ in a safe environment when alternative placement is necessary.

(4)(2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that children in the care of the state's dependency system ~~and delinquency sys-~~

tems need appropriate health care services, that the impact of substance abuse on health indicates the need for health care services to include substance abuse services to children and parents where appropriate, and that it is in the state's best interest that such children be provided the services they need to enable them to become and remain independent of state care. In order to provide these services, the state's dependency system and delinquency systems must have the ability to identify and provide appropriate intervention and treatment for children with personal or family-related substance abuse problems. It is therefore the purpose of the Legislature to provide authority for the state to contract with community substance abuse treatment providers for the development and operation of specialized support and overlay services for the dependency system and delinquency systems, which will be fully implemented and utilized as resources permit.

(5)(3) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—Parents, custodians, and guardians are deemed by the state to be responsible for providing their children with sufficient support, guidance, and supervision ~~to deter their participation in delinquent acts~~. The state further recognizes that the ability of parents, custodians, and guardians to fulfill those responsibilities can be greatly impaired by economic, social, behavioral, emotional, and related problems. It is therefore the policy of the Legislature that it is the state's responsibility to ensure that factors impeding the ability of caregivers caretakers to fulfill their responsibilities are identified through the dependency delinquency intake process and that appropriate recommendations and services to address those problems are considered in any judicial or nonjudicial proceeding.

415.501—~~Prevention of abuse and neglect of children; state plan.~~—

(6)(4) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE, ABANDONMENT, AND NEGLECT OF CHILDREN.—The incidence of known child abuse, abandonment, and ~~child~~ neglect has increased rapidly over the past 5 years. The impact that abuse, abandonment, or neglect has on the victimized child, siblings, family structure, and inevitably on all citizens of the state has caused the Legislature to determine that the prevention of child abuse, abandonment, and neglect shall be a priority of this state. To further this end, it is the intent of the Legislature that a comprehensive approach for the prevention of abuse, abandonment, and neglect of children be developed for the state and that this planned, comprehensive approach be used as a basis for funding.

(7)(2) PLAN FOR COMPREHENSIVE APPROACH.—

(a) The department of ~~Children and Family Services~~ shall develop a state plan for the prevention of abuse, abandonment, and neglect of children and shall submit the plan to the Speaker of the House of Representatives, the President of the Senate, and the Governor no later than January 1, 1983. The Department of Education and the Division of Children's Medical Services of the Department of Health shall participate and fully cooperate in the development of the state plan at both the state and local levels. Furthermore, appropriate local agencies and organizations shall be provided an opportunity to participate in the development of the state plan at the local

level. Appropriate local groups and organizations shall include, but not be limited to, community mental health centers; guardian ad litem programs for children under the circuit court; the school boards of the local school districts; the district human rights advocacy committees; private or public organizations or programs with recognized expertise in working with children who are sexually abused, physically abused, emotionally abused, abandoned, or neglected and with expertise in working with the families of such children; private or public programs or organizations with expertise in maternal and infant health care; multidisciplinary child protection teams; child day care centers; law enforcement agencies, and the circuit courts, when guardian ad litem programs are not available in the local area. The state plan to be provided to the Legislature and the Governor shall include, as a minimum, the information required of the various groups in paragraph (b).

(b) The development of the comprehensive state plan shall be accomplished in the following manner:

1. ~~The department of Children and Family Services~~ shall establish an interprogram task force comprised of the Assistant Secretary for Children and Family Services, or a designee, a representative from the Children and Families Program Office, a representative from the Alcohol, Drug Abuse, and Mental Health Program Office, a representative from the Developmental Services Program Office, a representative from the Office of Standards and Evaluation, and a representative from the Division of Children's Medical Services of the Department of Health. Representatives of the Department of Law Enforcement and of the Department of Education shall serve as ex officio members of the interprogram task force. The interprogram task force shall be responsible for:

a. Developing a plan of action for better coordination and integration of the goals, activities, and funding pertaining to the prevention of child abuse, abandonment, and neglect conducted by the department in order to maximize staff and resources at the state level. The plan of action shall be included in the state plan.

b. Providing a basic format to be utilized by the districts in the preparation of local plans of action in order to provide for uniformity in the district plans and to provide for greater ease in compiling information for the state plan.

c. Providing the districts with technical assistance in the development of local plans of action, if requested.

d. Examining the local plans to determine if all the requirements of the local plans have been met and, if they have not, informing the districts of the deficiencies and requesting the additional information needed.

e. Preparing the state plan for submission to the Legislature and the Governor. Such preparation shall include the collapsing of information obtained from the local plans, the cooperative plans with the Department of Education, and the plan of action for coordination and integration of departmental activities into one comprehensive plan. The comprehensive plan shall include a section reflecting general conditions and needs, an analysis

of variations based on population or geographic areas, identified problems, and recommendations for change. In essence, the plan shall provide an analysis and summary of each element of the local plans to provide a state-wide perspective. The plan shall also include each separate local plan of action.

f. Working with the specified state agency in fulfilling the requirements of subparagraphs 2., 3., 4., and 5.

2. ~~The department, the Department of Education, the Department of Children and Family Services,~~ and the Department of Health shall work together in developing ways to inform and instruct parents of school children and appropriate district school personnel in all school districts in the detection of child abuse, abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, abandonment, or neglect, and in caring for a child's needs after a report is made. The plan for accomplishing this end shall be included in the state plan.

3. ~~The department, the Department of Law Enforcement, the Department of Children and Family Services,~~ and the Department of Health shall work together in developing ways to inform and instruct appropriate local law enforcement personnel in the detection of child abuse, abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, abandonment, or neglect.

4. Within existing appropriations, the department of ~~Children and Family Services~~ shall work with other appropriate public and private agencies to emphasize efforts to educate the general public about the problem of and ways to detect child abuse, abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, abandonment, or neglect. The plan for accomplishing this end shall be included in the state plan.

5. ~~The department, the Department of Education, the Department of Children and Family Services,~~ and the Department of Health shall work together on the enhancement or adaptation of curriculum materials to assist instructional personnel in providing instruction through a multidisciplinary approach on the identification, intervention, and prevention of child abuse, abandonment, and neglect. The curriculum materials shall be geared toward a sequential program of instruction at the four progressional levels, K-3, 4-6, 7-9, and 10-12. Strategies for encouraging all school districts to utilize the curriculum are to be included in the comprehensive state plan for the prevention of child abuse, abandonment, and ~~child~~ neglect.

6. Each district of the department of ~~Children and Family Services~~ shall develop a plan for its specific geographical area. The plan developed at the district level shall be submitted to the interprogram task force for utilization in preparing the state plan. The district local plan of action shall be prepared with the involvement and assistance of the local agencies and organizations listed in paragraph (a), as well as representatives from those departmental district offices participating in the treatment and prevention of child abuse, abandonment, and neglect. In order to accomplish this, the district administrator in each district shall establish a task force on the prevention of child

abuse, abandonment, and neglect. The district administrator shall appoint the members of the task force in accordance with the membership requirements of this section. In addition, the district administrator shall ensure that each subdistrict is represented on the task force; and, if the district does not have subdistricts, the district administrator shall ensure that both urban and rural areas are represented on the task force. The task force shall develop a written statement clearly identifying its operating procedures, purpose, overall responsibilities, and method of meeting responsibilities. The district plan of action to be prepared by the task force shall include, but shall not be limited to:

a. Documentation of the magnitude of the problems of child abuse, including sexual abuse, physical abuse, and emotional abuse, and child abandonment and neglect in its geographical area.

b. A description of programs currently serving abused, abandoned, and neglected children and their families and a description of programs for the prevention of child abuse, abandonment, and neglect, including information on the impact, cost-effectiveness, and sources of funding of such programs.

c. A continuum of programs and services necessary for a comprehensive approach to the prevention of all types of child abuse, abandonment, and neglect as well as a brief description of such programs and services.

d. A description, documentation, and priority ranking of local needs related to child abuse, abandonment, and neglect prevention based upon the continuum of programs and services.

e. A plan for steps to be taken in meeting identified needs, including the coordination and integration of services to avoid unnecessary duplication and cost, and for alternative funding strategies for meeting needs through the reallocation of existing resources, utilization of volunteers, contracting with local universities for services, and local government or private agency funding.

f. A description of barriers to the accomplishment of a comprehensive approach to the prevention of child abuse, abandonment, and neglect.

g. Recommendations for changes that can be accomplished only at the state program level or by legislative action.

(8)(3) FUNDING AND SUBSEQUENT PLANS.—

(a) All budget requests submitted by the department of ~~Children and Family Services~~, the Department of Education, or any other agency to the Legislature for funding of efforts for the prevention of child abuse, abandonment, and neglect shall be based on the state plan developed pursuant to this section.

(b) The department of ~~Children and Family Services~~ at the state and district levels and the other agencies listed in paragraph ~~(7)(2)(a)~~ shall readdress the plan and make necessary revisions every 5 years, at a minimum. Such revisions shall be submitted to the Speaker of the House of

Representatives and the President of the Senate no later than June 30 of each year divisible by 5. An annual progress report shall be submitted to update the plan in the years between the 5-year intervals. In order to avoid duplication of effort, these required plans may be made a part of or merged with other plans required by either the state or Federal Government, so long as the portions of the other state or Federal Government plan that constitute the state plan for the prevention of child abuse, abandonment, and neglect are clearly identified as such and are provided to the Speaker of the House of Representatives and the President of the Senate as required above.

(9)(3) LIBERAL CONSTRUCTION.—It is the intent of the Legislature that this chapter be liberally interpreted and construed in conformity with its declared purposes.

Section 19. Section 415.5015, Florida Statutes, is renumbered as section 39.0015, Florida Statutes, and amended to read:

39.0015 ~~415.5015~~ Child abuse prevention training in the district school system.—

(1) SHORT TITLE.—This section may be cited as the “Child Abuse Prevention Training Act of 1985.”

(2) LEGISLATIVE INTENT.—It is the intent of the Legislature that primary prevention training for all children in kindergarten through grade 12 be encouraged in the district school system through the training of school teachers, guidance counselors, parents, and children.

(3) DEFINITIONS.—As used in this section:

(a) “Department” means the Department of Education.

(b) “Child abuse” means those acts as defined in ss. 39.01, ~~415.503~~, and 827.04.

(c) “Primary prevention and training program” means a training and educational program for children, parents, and teachers which is directed toward preventing the occurrence of child abuse, including sexual abuse, physical abuse, child abandonment, child neglect, and drug and alcohol abuse, and toward reducing the vulnerability of children through training of children and through including coordination with, and training for, parents and school personnel.

(d) “Prevention training center” means a center as described in subsection (5).

(4) PRIMARY PREVENTION AND TRAINING PROGRAM.—A primary prevention and training program shall include all of the following, as appropriate for the persons being trained:

(a) Information provided in a clear and nonthreatening manner, describing the problem of sexual abuse, physical abuse, abandonment, neglect, and alcohol and drug abuse, and the possible solutions.

(b) Information and training designed to counteract common stereotypes about victims and offenders.

(c) Crisis counseling techniques.

(d) Available community resources and ways to access those resources.

(e) Physical and behavioral indicators of abuse.

(f) Rights and responsibilities regarding reporting.

(g) School district procedures to facilitate reporting.

(h) Caring for a child's needs after a report is made.

(i) How to disclose incidents of abuse.

(j) Child safety training and age-appropriate self-defense techniques.

(k) The right of every child to live free of abuse.

(l) The relationship of child abuse to handicaps in young children.

(m) Parenting, including communication skills.

(n) Normal and abnormal child development.

(o) Information on recognizing and alleviating family stress caused by the demands required in caring for a high-risk or handicapped child.

(p) Supports needed by school-age parents in caring for a young child.

(5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION PROCESS; MONITORING AND EVALUATION.—

(a) Each training center shall perform the following functions:

1. Act as a clearinghouse to provide information on prevention curricula which meet the requirements of this section and the requirements of ss. 39.001, 231.17, and 236.0811, ~~and 415.501~~.

2. Assist the local school district in selecting a prevention program model which meets the needs of the local community.

3. At the request of the local school district, design and administer training sessions to develop or expand local primary prevention and training programs.

4. Provide assistance to local school districts, including, but not limited to, all of the following: administration, management, program development, multicultural staffing, and community education, in order to better meet the requirements of this section and of ss. 39.001, 231.17, and 236.0811, ~~and 415.501~~.

5. At the request of the department of ~~Education~~ or the local school district, provide ongoing program development and training to achieve all of the following:

- a. Meet the special needs of children, including, but not limited to, the needs of disabled and high-risk children.
- b. Conduct an outreach program to inform the surrounding communities of the existence of primary prevention and training programs and of funds to conduct such programs.
6. Serve as a resource to the Department of Children and Family Services and its districts.

(b) The department, in consultation with the Department of Children and Family Health and Rehabilitative Services, shall select and award grants by January 1, 1986, for the establishment of three private, nonprofit prevention training centers: one located in and serving South Florida, one located in and serving Central Florida, and one located in and serving North Florida. The department, in consultation with the Department of Children and Family Health and Rehabilitative Services, shall select an agency or agencies to establish three training centers which can fulfill the requirements of this section and meet the following requirements:

1. Have demonstrated experience in child abuse prevention training.
2. Have shown capacity for training primary prevention and training programs as provided for in subsections (3) and defined in subsection (4).
3. Have provided training and organizing technical assistance to the greatest number of private prevention and training programs.
4. Have employed the greatest number of trainers with experience in private child abuse prevention and training programs.
5. Have employed trainers which represent the cultural diversity of the area.
6. Have established broad community support.

(c) The department shall monitor and evaluate primary prevention and training programs utilized in the local school districts and shall monitor and evaluate the impact of the prevention training centers on the implementation of primary prevention programs and their ability to meet the required responsibilities of a center as described in this section.

(6) The department of ~~Education~~ shall administer this section ~~act~~ and in so doing is authorized to adopt rules and standards necessary to implement the specific provisions of this section ~~act~~.

Section 20. Section 39.01, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is amended to read:

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

(1) “Abandoned” means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver

~~person~~ responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If the efforts of such parent or legal custodian, or caregiver ~~person~~ primarily responsible for the child's welfare, to support and communicate with the child are, in the opinion of the court, only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. The term "abandoned" does not include a "child in need of services" as defined in chapter 984 or a "family in need of services" as defined in chapter 984. The incarceration of a parent, legal custodian, or caregiver ~~person~~ responsible for a child's welfare may support ~~does not constitute a bar to~~ a finding of abandonment.

(2) "Abuse" means any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. For the purpose of protective investigations, abuse of a child includes the acts or omissions of the parent, legal custodian, caregiver, or other person responsible for the child's welfare. Corporal discipline of a child by a parent, legal custodian, or caregiver ~~guardian~~ for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child ~~as defined in s. 415.503.~~

(3) "Addictions receiving facility" means a substance abuse service provider as defined in chapter 397.

(4) "Adjudicatory hearing" means a hearing for the court to determine whether or not the facts support the allegations stated in the petition ~~as is provided for under s. 39.408(2), in dependency cases, or s. 39.467, in termination of parental rights cases.~~

(5) "Adult" means any natural person other than a child.

(6) "Adoption" means the act of creating the legal relationship between parent and child where it did not exist, thereby declaring the child to be legally the child of the adoptive parents and their heir at law, and entitled to all the rights and privileges and subject to all the obligations of a child born to such adoptive parents in lawful wedlock.

(7) "Alleged juvenile sexual offender" means:

(a) A child 12 years of age or younger who is alleged to have committed a violation of chapter 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133; or

(b) A child who is alleged to have committed any violation of law or delinquent act involving juvenile sexual abuse. "Juvenile sexual abuse" means any sexual behavior which occurs without consent, without equality, or as a result of coercion. For purposes of this paragraph, the following definitions apply:

1. "Coercion" means the exploitation of authority or the use of bribes, threats of force, or intimidation to gain cooperation or compliance.

2. “Equality” means two participants operating with the same level of power in a relationship, neither being controlled nor coerced by the other.

3. “Consent” means an agreement, including all of the following:

a. Understanding what is proposed based on age, maturity, developmental level, functioning, and experience.

b. Knowledge of societal standards for what is being proposed.

c. Awareness of potential consequences and alternatives.

d. Assumption that agreement or disagreement will be accepted equally.

e. Voluntary decision.

f. Mental competence.

Juvenile sexual offender behavior ranges from noncontact sexual behavior such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape, fellatio, sodomy, and various other sexually aggressive acts.

~~(8)(6)~~ “Arbitration” means a process whereby a neutral third person or panel, called an arbitrator or an arbitration panel, considers the facts and arguments presented by the parties and renders a decision which may be binding or nonbinding.

~~(9)(7)~~ “Authorized agent” or “designee” of the department means an employee, volunteer, or other person or agency determined by the state to be eligible for state-funded risk management coverage, that is a person or agency assigned or designated by the department of Juvenile Justice or the Department of Children and Family Services, as appropriate, to perform duties or exercise powers pursuant to this chapter and includes contract providers and their employees for purposes of providing services to and managing cases of children in need of services and families in need of services.

(10) “Caregiver” means the parent, legal custodian, adult household member, or other person responsible for a child’s welfare as defined in subsection (47).

~~(8)~~ “Caretaker/homemaker” means ~~an authorized agent of the Department of Children and Family Services who shall remain in the child’s home with the child until a parent, legal guardian, or relative of the child enters the home and is capable of assuming and agrees to assume charge of the child.~~

~~(11)(9)~~ “Case plan” or “plan” means a document, as described in s. 39.601 39.4031, prepared by the department with input from all parties, including parents, guardians ad litem, legal custodians, caregivers, and the child. The case plan, that follows the child from the provision of voluntary services

through any dependency, foster care, or termination of parental rights proceeding or related activity or process.

~~(12)(10)~~ “Child” or “juvenile” or “youth” means any unmarried person under the age of 18 years who has not been emancipated by order of the court and who has been alleged or found or alleged to be dependent, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years.

(13) “Child protection team” means a team of professionals established by the department to receive referrals from the protective investigators and protective supervision staff of the department and to provide specialized and supportive services to the program in processing child abuse, abandonment, or neglect cases. A child protection team shall provide consultation to other programs of the department and other persons regarding child abuse, abandonment, or neglect cases.

~~(14)(11)~~ “Child who is found to be dependent” means a child who, pursuant to this chapter, is found by the court:

(a) To have been abandoned, abused, or neglected by the child’s parent or parents, legal custodians, or caregivers; or other custodians.

(b) To have been surrendered to the department of ~~Children and Family Services~~, the former Department of Health and Rehabilitative Services, or a licensed child-placing agency for purpose of adoption;:-

(c) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the department of ~~Children and Family Services~~, or the former Department of Health and Rehabilitative Services, after which placement, under the requirements of ~~part II~~ of this chapter, a case plan has expired and the parent or parents, legal custodians, or caregivers have failed to substantially comply with the requirements of the plan;:-

(d) To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption, and a natural parent or parents has signed a consent pursuant to the Florida Rules of Juvenile Procedure;:-

(e) To have no parent, legal custodian, or caregiver responsible adult relative to provide supervision and care; or:-

(f) To be at substantial risk of imminent abuse, abandonment, or neglect by the parent or parents, legal custodians, or caregivers ~~or the custodian~~.

~~(15)(12)~~ “Child support” means a court-ordered obligation, enforced under chapter 61 and ss. 409.2551-409.2597, for monetary support for the care, maintenance, training, and education of a child.

~~(16)(13)~~ “Circuit” means any of the 20 judicial circuits as set forth in s. 26.021.

~~(17)~~(14) “Comprehensive assessment” or “assessment” means the gathering of information for the evaluation of ~~a juvenile offender’s or a child’s and caregiver’s~~ physical, psychiatric, psychological or mental health, educational, vocational, and social condition and family environment as they relate to the child’s and caregiver’s need for rehabilitative and treatment services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, and other specialized services, as appropriate.

~~(18)~~(15) “Court,” unless otherwise expressly stated, means the circuit court assigned to exercise jurisdiction under this chapter.

~~(19)~~(16) “Department,” ~~as used in this chapter,~~ means the Department of Children and Family Services.

~~(20)~~(17) “Diligent efforts by a parent, legal custodian, or caregiver” means a course of conduct which results in a reduction in risk to the child in the child’s home that would allow the child to be safely placed permanently back in the home as set forth in the case plan.

~~(21)~~(18) “Diligent efforts of social service agency” means reasonable efforts to provide social services or reunification services made by any social service agency ~~as defined in this section~~ that is a party to a case plan.

~~(22)~~(19) “Diligent search” means the efforts of a social service agency to locate a parent or prospective parent whose identity or location is unknown, ~~or a relative made known to the social services agency by the parent or custodian of a child. When the search is for a parent, prospective parent, or relative of a child in the custody of the department, this search must be initiated as soon as the social service agency is made aware of the existence of such parent, with the search progress reported at each court hearing until the parent is either identified and located or the court excuses further search, prospective parent, or relative. A diligent search shall include interviews with persons who are likely to have information about the identity or location of the person being sought, comprehensive database searches, and records searches, including searches of employment, residence, utilities, Armed Forces, vehicle registration, child support enforcement, law enforcement, and corrections records, and any other records likely to result in identifying and locating the person being sought. The initial diligent search must be completed within 90 days after a child is taken into custody. After the completion of the initial diligent search, the department, unless excused by the court, shall have a continuing duty to search for relatives with whom it may be appropriate to place the child, until such relatives are found or until the child is placed for adoption.~~

~~(23)~~(20) “Disposition hearing” means a hearing in which the court determines the most appropriate family support dispositional services in the least restrictive available setting ~~provided for under s. 39.408(3), in dependency cases, or s. 39.469, in termination of parental rights cases.~~

~~(24)~~ “District” means any one of the 15 service districts of the department established pursuant to s. 20.19.

(25)(21) “District administrator” means the chief operating officer of each service district of the department of Children and Family Services as defined in s. 20.19(7)(6) and, where appropriate, includes any each district administrator whose service district falls within the boundaries of a judicial circuit.

(26) “Expedited termination of parental rights” means proceedings wherein a case plan with the goal of reunification is not being offered.

(27) “False report” means a report of abuse, neglect, or abandonment of a child to the central abuse hotline, which report is maliciously made for the purpose of:

(a) Harassing, embarrassing, or harming another person;

(b) Personal financial gain for the reporting person;

(c) Acquiring custody of a child; or

(d) Personal benefit for the reporting person in any other private dispute involving a child.

The term “false report” does not include a report of abuse, neglect, or abandonment of a child made in good faith to the central abuse hotline.

(28)(22) “Family” means a collective body of persons, consisting of a child and a parent, legal guardian, ~~adult~~ custodian, caregiver, or adult relative, in which:

(a) The persons reside in the same house or living unit; or

(b) The parent, legal guardian, ~~adult~~ custodian, caregiver, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.

(29)(23) “Foster care” means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.

(30) “Harm” to a child’s health or welfare can occur when the parent, legal custodian, or caregiver responsible for the child’s welfare:

(a) Inflicts or allows to be inflicted upon the child physical, mental, or emotional injury. In determining whether harm has occurred, the following factors must be considered in evaluating any physical, mental, or emotional injury to a child: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted. Such injury includes, but is not limited to:

1. Willful acts that produce the following specific injuries:

a. Sprains, dislocations, or cartilage damage.

- b. Bone or skull fractures.
- c. Brain or spinal cord damage.
- d. Intracranial hemorrhage or injury to other internal organs.
- e. Asphyxiation, suffocation, or drowning.
- f. Injury resulting from the use of a deadly weapon.
- g. Burns or scalding.
- h. Cuts, lacerations, punctures, or bites.
- i. Permanent or temporary disfigurement.
- j. Permanent or temporary loss or impairment of a body part or function.

As used in this subparagraph, the term “willful” refers to the intent to perform an action, not to the intent to achieve a result or to cause an injury.

2. Purposely giving a child poison, alcohol, drugs, or other substances that substantially affect the child’s behavior, motor coordination, or judgment or that result in sickness or internal injury. For the purposes of this subparagraph, the term “drugs” means prescription drugs not prescribed for the child or not administered as prescribed, and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.

3. Leaving a child without adult supervision or arrangement appropriate for the child’s age or mental or physical condition, so that the child is unable to care for the child’s own needs or another’s basic needs or is unable to exercise good judgment in responding to any kind of physical or emotional crisis.

4. Inappropriate or excessively harsh disciplinary action that is likely to result in physical injury, mental injury as defined in this section, or emotional injury. The significance of any injury must be evaluated in light of the following factors: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted. Corporal discipline may be considered excessive or abusive when it results in any of the following or other similar injuries:

- a. Sprains, dislocations, or cartilage damage.
- b. Bone or skull fractures.
- c. Brain or spinal cord damage.
- d. Intracranial hemorrhage or injury to other internal organs.
- e. Asphyxiation, suffocation, or drowning.
- f. Injury resulting from the use of a deadly weapon.

- g. Burns or scalding.
- h. Cuts, lacerations, punctures, or bites.
- i. Permanent or temporary disfigurement.
- j. Permanent or temporary loss or impairment of a body part or function.
- k. Significant bruises or welts.

(b) Commits, or allows to be committed, sexual battery, as defined in chapter 794, or lewd or lascivious acts, as defined in chapter 800, against the child.

(c) Allows, encourages, or forces the sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:

- 1. Solicit for or engage in prostitution; or
- 2. Engage in a sexual performance, as defined by chapter 827.

(d) Exploits a child, or allows a child to be exploited, as provided in s. 450.151.

(e) Abandons the child. Within the context of the definition of “harm,” the term “abandons the child” means that the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person responsible for the child’s welfare, while being able, makes no provision for the child’s support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligation. If the efforts of such a parent or legal custodian or person primarily responsible for the child’s welfare to support and communicate with the child are only marginal efforts that do not evince a settled purpose to assume all parental duties, the child may be determined to have been abandoned.

(f) Neglects the child. Within the context of the definition of “harm,” the term “neglects the child” means that the parent or other person responsible for the child’s welfare fails to supply the child with adequate food, clothing, shelter, or health care, although financially able to do so or although offered financial or other means to do so. However, a parent, legal custodian, or caregiver who, by reason of the legitimate practice of religious beliefs, does not provide specified medical treatment for a child may not be considered abusive or neglectful for that reason alone, but such an exception does not:

- 1. Eliminate the requirement that such a case be reported to the department;
- 2. Prevent the department from investigating such a case; or
- 3. Preclude a court from ordering, when the health of the child requires it, the provision of medical services by a physician, as defined in this section, or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

(g) Exposes a child to a controlled substance or alcohol. Exposure to a controlled substance or alcohol is established by:

1. Use by the mother of a controlled substance or alcohol during pregnancy when the child, at birth, is demonstrably adversely affected by such usage; or

2. Continued chronic and severe use of a controlled substance or alcohol by a parent when the child is demonstrably adversely affected by such usage.

As used in this paragraph, the term “controlled substance” means prescription drugs not prescribed for the parent or not administered as prescribed and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.

(h) Uses mechanical devices, unreasonable restraints, or extended periods of isolation to control a child.

(i) Engages in violent behavior that demonstrates a wanton disregard for the presence of a child and could reasonably result in serious injury to the child.

(j) Negligently fails to protect a child in his or her care from inflicted physical, mental, or sexual injury caused by the acts of another.

(k) Has allowed a child’s sibling to die as a result of abuse, abandonment, or neglect.

(31)(24) “Health and human services board” means the body created in each service district of the department of ~~Children and Family Services~~ pursuant to the provisions of s. 20.19(8)(7).

(32) “Institutional child abuse or neglect” means situations of known or suspected child abuse or neglect in which the person allegedly perpetrating the child abuse or neglect is an employee of a private school, public or private day care center, residential home, institution, facility, or agency or any other person at such institution responsible for the child’s care.

(33)(25) “Judge” means the circuit judge exercising jurisdiction pursuant to this chapter.

(34)(26) “Legal custody” means a legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care. The legal custodian is the person or entity in whom the legal right to custody is vested.

(35) “Legal guardianship” means a judicially created relationship between the child and caregiver which is intended to be permanent and self-sustaining and is provided pursuant to the procedures in chapter 744.

~~(36)~~(27) “Licensed child-caring agency” means a person, society, association, or agency licensed by the department of Children and Family Services to care for, receive, and board children.

~~(37)~~(28) “Licensed child-placing agency” means a person, society, association, or institution licensed by the department of Children and Family Services to care for, receive, or board children and to place children in a licensed child-caring institution or a foster or adoptive home.

~~(38)~~(29) “Licensed health care professional” means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under chapter 464, a physician assistant certified under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

~~(39)~~(30) “Likely to injure oneself” means that, as evidenced by violent or other actively self-destructive behavior, it is more likely than not that within a 24-hour period the child will attempt to commit suicide or inflict serious bodily harm on himself or herself.

~~(40)~~(31) “Likely to injure others” means that it is more likely than not that within a 24-hour period the child will inflict serious and unjustified bodily harm on another person.

~~(41)~~(32) “Long-term relative custodian” means an adult relative who is a party to a long-term custodial relationship created by a court order pursuant to this chapter s. 39.41(2)(a)5.

~~(42)~~(33) “Long-term relative custody” or “long-term custodial relationship” means the relationship that a juvenile court order creates between a child and an adult relative of the child or other caregiver ~~an adult nonrelative~~ approved by the court when the child cannot be placed in the custody of a natural parent and termination of parental rights is not deemed to be in the best interest of the child. Long-term relative custody confers upon the long-term relative or other caregiver nonrelative custodian the right to physical custody of the child, a right which will not be disturbed by the court except upon request of the caregiver custodian or upon a showing that a material change in circumstances necessitates a change of custody for the best interest of the child. A long-term relative or other caregiver nonrelative custodian shall have all of the rights and duties of a natural parent, including, but not limited to, the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the long-term custodial relationship.

~~(43)~~(34) “Mediation” means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. ~~In mediation, decisionmaking authority rests with the parties.~~ The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

(44) “Mental injury” means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability to function within the normal range of performance and behavior.

~~(45)~~⁽³⁵⁾ “Necessary medical treatment” means care which is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child’s condition or to alleviate immediate pain of a child.

~~(46)~~⁽³⁶⁾ “Neglect” occurs when the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the ~~caregiver person primarily responsible for the child’s welfare~~ deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment or permits a child to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent, legal custodian, or caregiver guardian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be considered a negligent parent, legal custodian, or caregiver guardian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

(a) Medical services from a licensed physician, dentist, optometrist, podiatrist, or other qualified health care provider; or

(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

For the purpose of protective investigations, neglect of a child includes the acts or omissions of the parent, legal custodian, or caregiver.

(47) “Other person responsible for a child’s welfare” includes the child’s legal guardian, legal custodian, or foster parent; an employee of a private school, public or private child day care center, residential home, institution, facility, or agency; or any other person legally responsible for the child’s welfare in a residential setting; and also includes an adult sitter or relative entrusted with a child’s care. For the purpose of departmental investigative jurisdiction, this definition does not include law enforcement officers, or employees of municipal or county detention facilities or the Department of Corrections, while acting in an official capacity.

~~(48)~~⁽³⁷⁾ “Next of kin” means an adult relative of a child who is the child’s brother, sister, grandparent, aunt, uncle, or first cousin.

~~(49)~~⁽³⁸⁾ “Parent” means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1)(b). If a child has been legally adopted, the term “parent” means

the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of ~~either s. 39.4051(7) or s. 63.062(1)(b).~~

~~(50)~~⁽³⁹⁾ “Participant,” for purposes of a shelter proceeding, dependency proceeding, or termination of parental rights proceeding, means any person who is not a party but who should receive notice of hearings involving the child, including foster parents or caregivers, identified prospective parents, grandparents entitled to priority for adoption consideration under s. 63.0425, actual custodians of the child, and any other person whose participation may be in the best interest of the child. Participants may be granted leave by the court to be heard without the necessity of filing a motion to intervene.

~~(51)~~⁽⁴⁰⁾ “Party,” for purposes of a shelter proceeding, dependency proceeding, or termination of parental rights proceeding, means the parent or legal custodian of the child, the petitioner, the department, the guardian ad litem or the representative of the guardian ad litem program when the program ~~one~~ has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child’s best interest. Notice to the child may be excused by order of the court when the age, capacity, or other condition of the child is such that the notice would be meaningless or detrimental to the child.

~~(52)~~ “Physical injury” means death, permanent or temporary disfigurement, or impairment of any bodily part.

~~(53)~~ “Physician” means any licensed physician, dentist, podiatrist, or optometrist and includes any intern or resident.

~~(54)~~⁽⁴¹⁾ “Preliminary screening” means the gathering of preliminary information to be used in determining a child’s need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial interviews; urine and breathalyzer screenings; and reviews of available educational, delinquency, and dependency records of the child.

~~(55)~~⁽⁴²⁾ “Preventive services” means social services and other supportive and rehabilitative services provided to the parent of the child, the legal custodian guardian of the child, or the caregiver custodian of the child and to the child for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in the placement of a child in foster care. Social services and other supportive and rehabilitative services shall promote the child’s need for physical, mental, and emotional health and a safe, ~~continuous~~, stable, living environment, and shall promote family autonomy, and shall strengthen family life, ~~as the first priority~~ whenever possible.

~~(56)~~⁽⁴³⁾ “Prospective parent” means a person who claims to be, or has been identified as, a person who may be a mother or a father of a child.

~~(57)(44)~~ “Protective investigation” means the acceptance of a report alleging child abuse, abandonment, or neglect, as defined in this chapter s. 415.503, by the central abuse hotline or the acceptance of a report of other dependency by the department local children, youth, and families office of the Department of Children and Family Services; the investigation and classification of each report; the determination of whether action by the court is warranted; the determination of the disposition of each report without court or public agency action when appropriate; and the referral of a child to another public or private agency when appropriate; ~~and the recommendation by the protective investigator of court action when appropriate.~~

~~(58)(45)~~ “Protective investigator” means an authorized agent of the department of Children and Family Services who receives and, investigates, and classifies reports of child abuse, abandonment, or neglect as defined in s. 415.503; who, as a result of the investigation, may recommend that a dependency petition be filed for the child under the criteria of paragraph (11)(a); and who performs other duties necessary to carry out the required actions of the protective investigation function.

~~(59)(46)~~ “Protective supervision” means a legal status in dependency cases, child-in-need-of-services cases, or family-in-need-of-services cases which permits the child to remain safely in his or her own home or other placement under the supervision of an agent of the department and which must be reviewed by Department of Juvenile Justice or the Department of Children and Family Services, subject to being returned to the court during the period of supervision.

~~(47)~~ “Protective supervision case plan” means a document that is prepared by the protective supervision counselor of the Department of Children and Family Services, is based upon the voluntary protective supervision of a case pursuant to s. 39.403(2)(b), or a disposition order entered pursuant to s. 39.41(2)(a)3., and that:

~~(a) Is developed in conference with the parent, guardian, or custodian of the child and, if appropriate, the child and any court-appointed guardian ad litem.~~

~~(b) Is written simply and clearly in the principal language, to the extent possible, of the parent, guardian, or custodian of the child and in English.~~

~~(c) Is subject to modification based on changing circumstances and negotiations among the parties to the plan and includes, at a minimum:~~

- ~~1. All services and activities ordered by the court.~~
- ~~2. Goals and specific activities to be achieved by all parties to the plan.~~
- ~~3. Anticipated dates for achieving each goal and activity.~~
- ~~4. Signatures of all parties to the plan.~~

~~(d) Is submitted to the court in cases where a dispositional order has been entered pursuant to s. 39.41(2)(a)3.~~

(60)(48) “Relative” means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

(61)(49) “Reunification services” means social services and other supportive and rehabilitative services provided to the parent of the child, the legal custodian guardian of the child, or the caregiver custodian of the child, whichever is applicable, to the child, and where appropriate to the foster parents of the child, for the purpose of enabling a child who has been placed in out-of-home foster care to safely return to his or her family at the earliest possible time. The health and safety of the child shall be the paramount goal of social services and other supportive and rehabilitative services. Such services shall promote the child’s need for physical, mental, and emotional health and a safe, continuous, stable, living environment, and shall promote family autonomy, and shall strengthen family life, as a first priority when-ever possible.

(62) “Secretary” means the Secretary of Children and Family Services.

(63) “Sexual abuse of a child” means one or more of the following acts:

(a) Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.

(b) Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.

(c) Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that this does not include any act intended for a valid medical purpose.

(d) The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator, except that this does not include:

1. Any act which may reasonably be construed to be a normal caregiver responsibility, any interaction with, or affection for a child; or

2. Any act intended for a valid medical purpose.

(e) The intentional masturbation of the perpetrator’s genitals in the presence of a child.

(f) The intentional exposure of the perpetrator’s genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose.

(g) The sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:

1. Solicit for or engage in prostitution; or
2. Engage in a sexual performance, as defined by chapter 827.

~~(64)(50) “Shelter” means a place for the temporary care of a child who is alleged to be or who has been found to be dependent, a child from a family in need of services, or a child in need of services, pending court disposition before or after adjudication, or after execution of a court order. “Shelter” may include a facility which provides 24-hour continual supervision for the temporary care of a child who is placed pursuant to s. 984.14.~~

~~(65)(51) “Shelter hearing” means a hearing in which the court determines whether probable cause exists to keep a child in shelter status pending further investigation of the case provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases.~~

~~(66)(52) “Social service agency” means the department of Children and Family Services, a licensed child-caring agency, or a licensed child-placing agency.~~

~~(53) —“Staff-secure shelter” means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Children and Family Services is unable to properly assess or place for assistance within the continuum of services provided for dependent children.~~

~~(67)(54) “Substance abuse” means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.~~

~~(68)(55) “Substantial compliance” means that the circumstances which caused the creation of the case plan placement in foster care have been significantly remedied to the extent that the well-being and safety of the child will not be endangered upon the child’s remaining with or being returned to the child’s parent, legal custodian, or caregiver or guardian.~~

~~(69)(56) “Taken into custody” means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child’s release or placement, detention, placement, or other disposition as authorized by law.~~

~~(70)(57) “Temporary legal custody” means the relationship that a juvenile court creates between a child and an adult relative of the child, legal custodian, or caregiver ~~adult nonrelative~~ approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the temporary legal custody relationship.~~

(71) “Victim” means any child who has sustained or is threatened with physical, mental, or emotional injury identified in a report involving child abuse, neglect, or abandonment, or child-on-child sexual abuse.

Section 21. Section 39.455, Florida Statutes, is renumbered as section 39.011, Florida Statutes, and amended to read:

39.011 ~~39.455~~ Immunity from liability.—

(1) In no case shall employees or agents of the department or a social service agency acting in good faith be liable for damages as a result of failing to provide services agreed to under the case plan or permanent placement plan unless the failure to provide such services occurs as a result of bad faith or malicious purpose or occurs in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(2) The inability or failure of the department or of a social service agency or the employees or agents of the social service agency to provide the services agreed to under the case plan or permanent placement plan shall not render the state or the social service agency liable for damages unless such failure to provide services occurs in a manner exhibiting wanton or willful disregard of human rights, safety, or property.

(3) A member or agent of a citizen review panel acting in good faith is not liable for damages as a result of any review or recommendation with regard to a foster care or shelter care matter unless such member or agent exhibits wanton and willful disregard of human rights or safety, or property.

Section 22. Section 39.012, Florida Statutes, is amended to read:

39.012 Rules for implementation.—The department of Children and Family Services shall adopt rules for the efficient and effective management of all programs, services, facilities, and functions necessary for implementing this chapter. Such rules may not conflict with the Florida Rules of Juvenile Procedure. All rules and policies must conform to accepted standards of care and treatment.

Section 23. Section 39.0121, Florida Statutes, is created to read:

39.0121 Specific rulemaking authority.—Pursuant to the requirements of s. 120.536, the department is specifically authorized to adopt, amend, and repeal administrative rules which implement or interpret law or policy, or describe the procedure and practice requirements necessary to implement this chapter, including, but not limited to, the following:

(1) Background screening of department employees and applicants; criminal records checks of prospective foster and adoptive parents; and drug testing of protective investigators.

(2) Reporting of child abuse, neglect, and abandonment; reporting of child-on-child sexual abuse; false reporting; child protective investigations; taking a child into protective custody; and shelter procedures.

(3) Confidentiality and retention of department records; access to records; and record requests.

(4) Department and client trust funds.

(5) Child protection teams and services, and eligible cases.

(6) Consent to and provision of medical care and treatment for children in the care of the department.

(7) Federal funding requirements and procedures; foster care and adoption subsidies; subsidized independent living; and subsidized child care.

(8) Agreements with law enforcement and other state agencies; access to the National Crime Information Center (NCIC); and access to the parent locator service.

(9) Licensing, registration, and certification of child day care providers, shelter and foster homes, and residential child-caring and child-placing agencies.

(10) The Family Builders Program, the Intensive Crisis Counseling Program, and any other early intervention programs and kinship care assistance programs.

(11) Department contracts, pilot programs, and demonstration projects.

(12) Legal and casework procedures, including, but not limited to, mediation, diligent search, stipulations, consents, surrenders, and default, with respect to dependency, termination of parental rights, adoption, guardianship, and kinship care proceedings.

(13) Legal and casework management of cases involving in-home supervision and out-of-home care, including judicial reviews, administrative reviews, case plans, and any other documentation or procedures required by federal or state law.

(14) Injunctions and other protective orders, domestic-violence-related cases, and certification of domestic violence centers.

Section 24. Section 39.40, Florida Statutes, is renumbered as section 39.013, Florida Statutes, and amended to read:

39.013 39.40 Procedures and jurisdiction; right to counsel.—

(1) All procedures, including petitions, pleadings, subpoenas, summonses, and hearings, in ~~this chapter~~ dependency cases shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law. Parents must be informed by the court of their right to counsel in dependency proceedings at each stage of the dependency proceedings. Parents who are unable to afford counsel ~~and who are threatened with criminal charges based on the facts underlying the dependency petition or a permanent loss of custody of their children~~ must be appointed counsel.

(2) The circuit court shall have exclusive original jurisdiction of all proceedings under ~~parts III, IV, V, and VI of this chapter~~, of a child voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, or the department, and of the adoption of children whose parental rights have been terminated pursuant to this chapter. Jurisdiction attaches when the initial shelter petition, dependency petition, or termination of parental rights petition is filed or when a child is taken into the custody of the department. The circuit court may assume jurisdiction over any such proceeding regardless of whether the child was in the physical custody of both parents, was in the sole legal or physical custody of only one parent, caregiver, or of some other person, or was in the physical or legal custody of no person when the event or condition occurred that brought the child to the attention of the court. When the court obtains jurisdiction of any child who has been found to be dependent ~~is obtained~~, the court shall retain jurisdiction, unless relinquished by its order, until the child reaches 18 years of age.

(3) When a child is under the jurisdiction of the circuit court pursuant to the provisions of this chapter, the juvenile court, as a division of the circuit court, may exercise the general and equitable jurisdiction over guardianship proceedings pursuant to the provisions of chapter 744, and proceedings for temporary custody of minor children by extended family pursuant to the provisions of chapter 751.

(4)(3) The court shall expedite the resolution of the placement issue in cases involving a child who under 4 years of age ~~when the child has been removed from the family and placed in a shelter.~~

(5)(4) The court shall expedite the judicial handling of all cases when the child has been removed from the family and placed in a shelter, ~~and of all cases involving a child under 4 years of age.~~

(6)(5) ~~It is the intent of the Legislature that Children removed from their homes shall be provided equal treatment with respect to goals, objectives, services, and case plans, without regard to the location of their placement, and that placement shall be in a safe environment where drugs and alcohol are not abused. It is the further intent of the Legislature that, when children are removed from their homes, disruption to their education be minimized to the extent possible.~~

(7) For any child who remains in the custody or under the supervision of the department, the court shall, within the 6-month period before the child's 18th birthday, hold a hearing to review the progress of the child while in the custody or under the supervision of the department.

(8)(a) At each stage of the proceedings under this chapter, the court shall advise the parent, legal custodian, or caregiver of the right to counsel. The court shall appoint counsel for indigent persons. The court shall ascertain whether the right to counsel is understood. When right to counsel is waived, the court shall determine whether the waiver is knowing and intelligent. The court shall enter its findings in writing with respect to the appointment or waiver of counsel for indigent parties or the waiver of counsel by nonindigent parties.

(b) Once counsel has entered an appearance or been appointed by the court to represent the parent of the child, the attorney shall continue to represent the parent throughout the proceedings. If the attorney-client relationship is discontinued, the court shall advise the parent of the right to have new counsel retained or appointed for the remainder of the proceedings.

(c)1. No waiver of counsel may be accepted if it appears that the parent, legal custodian, or caregiver is unable to make an intelligent and understanding choice because of mental condition, age, education, experience, the nature or complexity of the case, or other factors.

2. A waiver of counsel made in court must be of record.

3. If a waiver of counsel is accepted at any hearing or proceeding, the offer of assistance of counsel must be renewed by the court at each subsequent stage of the proceedings at which the parent, legal custodian, or caregiver appears without counsel.

(d) This subsection does not apply to any parent who has voluntarily executed a written surrender of the child and consents to the entry of a court order terminating parental rights.

(9) The time limitations in this chapter do not include:

(a) Periods of delay resulting from a continuance granted at the request or with the consent of the child's counsel or the child's guardian ad litem, if one has been appointed by the court, or, if the child is of sufficient capacity to express reasonable consent, at the request or with the consent of the child.

(b) Periods of delay resulting from a continuance granted at the request of the attorney for the department, if the continuance is granted:

1. Because of an unavailability of evidence material to the case when the attorney for the department has exercised due diligence to obtain such evidence and there are substantial grounds to believe that such evidence will be available within 30 days. However, if the department is not prepared to present its case within 30 days, the parent or guardian may move for issuance of an order to show cause or the court on its own motion may impose appropriate sanctions, which may include dismissal of the petition.

2. To allow the attorney for the department additional time to prepare the case and additional time is justified because of an exceptional circumstance.

(c) Reasonable periods of delay necessary to accomplish notice of the hearing to the child's parents; however, the petitioner shall continue regular efforts to provide notice to the parents during such periods of delay.

(d) Reasonable periods of delay resulting from a continuance granted at the request of the parent or legal custodian of a subject child.

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

Section 25. Section 39.4057, Florida Statutes, is renumbered as section 39.0131, Florida Statutes.

Section 26. Section 39.411, Florida Statutes, is renumbered as section 39.0132, Florida Statutes, and subsections (3) and (4) of said section are amended to read:

39.0132 ~~39.411~~ Oaths, records, and confidential information.—

(3) The clerk shall keep all court records required by this part separate from other records of the circuit court. All court records required by this part shall not be open to inspection by the public. All records shall be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that, subject to the provisions of s. 63.162, a child and the parents, ~~or legal custodians, or caregivers~~ of the child and their attorneys, guardian ad litem, law enforcement agencies, and the department and its designees shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records, under whatever conditions upon their use and disposition the court may deem proper, and may punish by contempt proceedings any violation of those conditions.

(4) All information obtained pursuant to this part in the discharge of official duty by any judge, employee of the court, authorized agent of the department, correctional probation officer, or law enforcement agent shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, correctional probation officers, law enforcement agents, guardian ad litem, and others entitled under this chapter to receive that information, except upon order of the court.

Section 27. Section 39.414, Florida Statutes, is renumbered as section 39.0133, Florida Statutes.

Section 28. Sections 39.415 and 39.474, Florida Statutes, are renumbered as section 39.0134, Florida Statutes, and amended to read:

39.0134 ~~39.415~~ Appointed counsel; compensation.—

(1) If counsel is entitled to receive compensation for representation pursuant to a court appointment in a dependency proceeding pursuant to this chapter, such compensation shall be established by each county not exceed \$1,000 at the trial level and \$2,500 at the appellate level.

~~39.474~~ ~~Appointed counsel; compensation.—~~

(2) If counsel is entitled to receive compensation for representation pursuant to court appointment in a termination of parental rights proceeding, such compensation shall not exceed \$1,000 at the trial level and \$2,500 at the appellate level.

Section 29. Section 39.418, Florida Statutes, is renumbered as section 39.0135, Florida Statutes, and amended to read:

~~39.0135~~ 39.418 Operations and Maintenance Trust Fund.—Effective July 1, 1996, The department of Children and Family Services shall deposit all child support payments made to the department pursuant to this chapter s. 39.41(2) into the Operations and Maintenance Trust Fund. The purpose of this funding is to care for children who are committed to the temporary legal custody of the department pursuant to ~~s. 39.41(2)(a)8.~~

Section 30. Part II of chapter 39, Florida Statutes, consisting of sections 39.201, 39.202, 39.203, 39.204, 39.205, and 39.206, Florida Statutes, shall be entitled to read:

PART II
REPORTING CHILD ABUSE

Section 31. Section 415.504, Florida Statutes, is renumbered as section 39.201, Florida Statutes, and amended to read:

39.201 ~~415.504~~ Mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death; central abuse hotline.—

(1) Any person, including, but not limited to, any:

(a) Physician, osteopathic physician, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;

(b) Health or mental health professional other than one listed in paragraph (a);

(c) Practitioner who relies solely on spiritual means for healing;

(d) School teacher or other school official or personnel;

(e) Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker; or

(f) Law enforcement officer,

who knows, or has reasonable cause to suspect, that a child is an abused, abandoned, or neglected child shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

(2)(a) Each report of known or suspected child abuse, abandonment, or neglect pursuant to this section, except those solely under s. ~~827.04(3)(4)~~, shall be made immediately to the department's central abuse hotline on the single statewide toll-free telephone number, and, if the report is of an instance of known or suspected child abuse by a noncaretaker, the call shall be immediately electronically transferred to the appropriate county sheriff's office by the central abuse hotline. If the report is of an instance of known or suspected child abuse involving impregnation of a child under 16 years of age by a person 21 years of age or older solely under s. ~~827.04(3)(4)~~, the report shall be made immediately to the appropriate county sheriff's office or other appropriate law enforcement agency. If the report is of an instance of known or suspected child abuse solely under s. ~~827.04(3)(4)~~, the reporting

provisions of this subsection do not apply to health care professionals or other persons who provide medical or counseling services to pregnant children when such reporting would interfere with the provision of medical services.

(b) Reporters in occupation categories designated in subsection (1) are required to provide their names to the hotline staff. The names of reporters shall be entered into the record of the report, but shall be held confidential as provided in s. 39.202 415.51.

(c) Reports involving known or suspected institutional child abuse or neglect shall be made and received in the same manner as all other reports made pursuant to this section.

(d) Reports involving a known or suspected juvenile sexual offender shall be made and received by the department.

1. The department shall determine the age of the alleged juvenile sexual offender if known.

2. When the alleged juvenile sexual offender is 12 years of age or younger, the department shall proceed with an investigation of the report pursuant to this part III, immediately electronically transfer the call to the appropriate law enforcement agency office by the central abuse hotline, and send a written report of the allegation to the appropriate county sheriff's office within 48 hours after the initial report is made to the central abuse hotline.

3. When the alleged juvenile sexual offender is 13 years of age or older, the department shall immediately electronically transfer the call to the appropriate county sheriff's office by the central abuse hotline, and send a written report to the appropriate county sheriff's office within 48 hours after the initial report to the central abuse hotline.

(e) Hotline counselors shall receive periodic training in encouraging reporters to provide their names when reporting abuse, abandonment, or neglect. Callers shall be advised of the confidentiality provisions of s. 39.202 415.51. The department shall secure and install electronic equipment that automatically provides to the hotline the number from which the call is placed. This number shall be entered into the report of abuse, abandonment, or neglect and become a part of the record of the report, but shall enjoy the same confidentiality as provided to the identity of the caller pursuant to s. 39.202 415.51.

(3) Any person required to report or investigate cases of suspected child abuse, abandonment, or neglect who has reasonable cause to suspect that a child died as a result of child abuse, abandonment, or neglect shall report his or her suspicion to the appropriate medical examiner. The medical examiner shall accept the report for investigation ~~pursuant to s. 406.11~~ and shall report his or her findings, in writing, to the local law enforcement agency, the appropriate state attorney, and the department. Autopsy reports maintained by the medical examiner are not subject to the confidentiality requirements provided for in s. 39.202 415.51.

(4)(a) The department shall establish and maintain a central abuse hotline to receive all reports made pursuant to this section in writing or through a single statewide toll-free telephone number, which any person may use to report known or suspected child abuse, abandonment, or neglect at any hour of the day or night, any day of the week. The central abuse hotline shall be operated in such a manner as to enable the department to:

(a)1. Immediately identify and locate prior reports or cases of child abuse, abandonment, or neglect through utilization of the department's automated tracking system.

(b)2. Monitor and evaluate the effectiveness of the department's program for reporting and investigating suspected abuse, abandonment, or neglect of children through the development and analysis of statistical and other information.

(c)3. Track critical steps in the investigative process to ensure compliance with all requirements for any report of abuse, abandonment, or neglect.

(d)4. Maintain and produce aggregate statistical reports monitoring patterns of both child abuse, child abandonment, and child neglect. The department shall collect and analyze child-on-child sexual abuse reports and include the information in aggregate statistical reports.

(e)5. Serve as a resource for the evaluation, management, and planning of preventive and remedial services for children who have been subject to abuse, abandonment, or neglect.

(f)6. Initiate and enter into agreements with other states for the purpose of gathering and sharing information contained in reports on child maltreatment to further enhance programs for the protection of children.

~~(b) Upon receiving an oral or written report of known or suspected child abuse or neglect, the central abuse hotline shall determine if the report requires an immediate onsite protective investigation. For reports requiring an immediate onsite protective investigation, the central abuse hotline shall immediately notify the department's designated children and families district staff responsible for protective investigations to ensure that an onsite investigation is promptly initiated. For reports not requiring an immediate onsite protective investigation, the central abuse hotline shall notify the department's designated children and families district staff responsible for protective investigations in sufficient time to allow for an investigation, or if the district determines appropriate, a family services response system approach to be commenced within 24 hours. When a district decides to respond to a report of child abuse or neglect with a family services response system approach, the provisions of part III apply. If, in the course of assessing risk and services or at any other appropriate time, responsible district staff determines that the risk to the child requires a child protective investigation, then the department shall suspend its family services response system activities and shall proceed with an investigation as delineated in this part. At the time of notification of district staff with respect to the report, the central abuse hotline shall also provide information on any previous~~

report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports.

(c) ~~Upon commencing an investigation under this part, the child protective investigator shall inform any subject of the investigation of the following:~~

1. ~~The names of the investigators and identifying credentials from the department.~~

2. ~~The purpose of the investigation.~~

3. ~~The right to obtain his or her own attorney and ways that the information provided by the subject may be used.~~

(d) ~~The department shall make and keep records of all cases brought before it pursuant to this part and shall preserve the records pertaining to a child and family until 7 years after the last entry was made or until the child is 18 years of age. The department shall then destroy the records, except where the child has been placed under the protective supervision of the department, the court has made a finding of dependency, or a criminal conviction has resulted from the facts associated with the report and there is a likelihood that future services of the department may be required.~~

(5) The department shall be capable of receiving and investigating reports of known or suspected child abuse, abandonment, or neglect 24 hours a day, 7 days a week. If it appears that the immediate safety or well-being of a child is endangered, that the family may flee or the child will be unavailable for purposes of conducting a child protective investigation, or that the facts otherwise so warrant, the department shall commence an investigation immediately, regardless of the time of day or night. In all other child abuse, abandonment, or neglect cases, a child protective investigation shall be commenced within 24 hours after receipt of the report. In an institutional investigation, the alleged perpetrator may be represented by an attorney, at his or her own expense, or accompanied by another person, if the person or the attorney executes an affidavit of understanding with the department and agrees to comply with the confidentiality provisions of s. 39.202. The absence of an attorney or other person does not prevent the department from proceeding with other aspects of the investigation, including interviews with other persons. In institutional child abuse cases when the institution is not operating and the child cannot otherwise be located, the investigation shall commence immediately upon the resumption of operation. If requested by a state attorney or local law enforcement agency, the department shall furnish all investigative reports to that agency.

(6)(e) Information in the central abuse hotline may not be used for employment screening, except as provided in s. 39.202(2)(a) and (h). Information in the central abuse hotline and the department's automated abuse information system may be used by the department, its authorized agents or contract providers, the Department of Health, or county agencies as part of the licensure or registration process pursuant to ss. 402.301-402.319 and ss. 409.175-409.176. Access to the information shall only be granted as set forth in s. 415.51.

(7)(5) This section does not require a professional who is hired by or enters into a contract with the department for the purpose of treating or counseling any person, as a result of a report of child abuse, abandonment, or neglect, to again report to the central abuse hotline the abuse, abandonment, or neglect that was the subject of the referral for treatment.

Section 32. Section 415.51, Florida Statutes, is renumbered as section 39.202, Florida Statutes, and amended to read:

39.202 415.51 Confidentiality of reports and records in cases of child abuse or neglect.—

(1)(a) In order to protect the rights of the child and the child's parents or other persons responsible for the child's welfare, all records held by the department concerning reports of child abuse or neglect, including reports made to the central abuse hotline and all records generated as a result of such reports, shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed except as specifically authorized by this chapter ss. 415.502-415.514. Such exemption from s. 119.07(1) applies to information in the possession of those entities granted access as set forth in this section.

(b) Except for information identifying individuals, all records involving the death of a child determined to be a result of abuse, abandonment, or neglect shall be released to the public within 10 days after completion of the investigation.

(2) Access to such records, excluding the name of the reporter which shall be released only as provided in subsection (4) (9), shall be granted only to the following persons, officials, and agencies:

(a) Employees, authorized or agents, or contract providers of the department, the Department of Health, or county agencies responsible for carrying out child or adult protective investigations, ongoing child or adult protective services, Healthy Start services, or licensure or approval of adoptive homes, foster homes, or child care facilities, or family day care homes or informal child care providers who receive subsidized child care funding, or other homes used to provide for the care and welfare of children. Also, employees or agents of the Department of Juvenile Justice responsible for the provision of services to children, pursuant to ~~parts II and IV of chapter 985~~ 39.

(b) Criminal justice agencies of appropriate jurisdiction.

(c) The state attorney of the judicial circuit in which the child resides or in which the alleged abuse or neglect occurred.

(d) The parent, caregiver, or legal custodian of any child who is alleged to have been abused, abandoned, or neglected, and the child, and their attorneys or abandoned. This access shall be made available no later than 30 days after the department receives the initial report of abuse, neglect, or abandonment. However, any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

(e) Any person alleged in the report as having caused the abuse, abandonment, or neglect, or abandonment of a child. This access shall be made available no later than 30 days after the department receives the initial report of abuse, abandonment, or neglect, or abandonment. However, any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

(f) A court upon its finding that access to such records may be necessary for the determination of an issue before the court; however, such access shall be limited to inspection in camera, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it.

(g) A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business.

(h) Any appropriate official of the department responsible for:

1. Administration or supervision of the department's program for the prevention, investigation, or treatment of child abuse, abandonment, or neglect, or abuse, neglect, or exploitation of a disabled adult or elderly person, when carrying out his or her official function; ~~or~~

2. Taking appropriate administrative action concerning an employee of the department alleged to have perpetrated ~~institutional~~ child abuse, abandonment, or neglect, or abuse, neglect, or exploitation of a disabled adult or elderly person; or.

3. Employing and continuing employment of personnel of the department.

(i) Any person engaged in the use of such records or information for bona fide research, statistical, or audit purposes. However, no information identifying the subjects of the report shall be made available to the researcher.

(j) The Division of Administrative Hearings for purposes of any administrative challenge.

(k) Any appropriate official of the human rights advocacy committee investigating a report of known or suspected child abuse, abandonment, or neglect, the Auditor General for the purpose of conducting preliminary or compliance reviews pursuant to s. 11.45, or the guardian ad litem for the child ~~as defined in s. 415.503~~.

(l) Employees or agents of an agency of another state that has comparable jurisdiction to the jurisdiction described in paragraph (a).

(m) The Public Employees Relations Commission for the sole purpose of obtaining evidence for appeals filed pursuant to s. 447.207. Records may be released only after deletion of all information which specifically identifies persons other than the employee.

(n) Employees or agents of the Department of Revenue responsible for child support enforcement activities.

(3) The department may release to professional persons such information as is necessary for the diagnosis and treatment of the child or the person perpetrating the abuse or neglect.

(4) The name of any person reporting child abuse, abandonment, or neglect may not be released to any person other than employees of the department responsible for child protective services, ~~or the central abuse hotline, law enforcement, or the appropriate state attorney or law enforcement agency,~~ without the written consent of the person reporting. This does not prohibit the subpoenaing of a person reporting child abuse, abandonment, or neglect when deemed necessary by the court, the state attorney, or the department, provided the fact that such person made the report is not disclosed. Any person who reports a case of child abuse or neglect may, at the time he or she makes the report, request that the department notify him or her that a child protective investigation occurred as a result of the report. The department shall mail such a notice to the reporter within 10 days after completing the child protective investigation.

(5) All records and reports of the child protection team are confidential and exempt from the provisions of ss. 119.07(1) and ~~455.667~~ 455.241, and shall not be disclosed, except, upon request, to the state attorney, law enforcement, the department, and necessary professionals, in furtherance of the treatment or additional evaluative needs of the child or by order of the court.

(6) The department shall make and keep reports and records of all cases under this chapter relating to child abuse, abandonment, and neglect and shall preserve the records pertaining to a child and family until 7 years after the last entry was made or until the child is 18 years of age, whichever date is first reached, and may then destroy the records. Department records required by this chapter relating to child abuse, abandonment, and neglect may be inspected only upon order of the court or as provided for in this section.

~~(7)~~⁽⁶⁾ A person who knowingly or willfully makes public or discloses to any unauthorized person any confidential information contained in the central abuse hotline is subject to the penalty provisions of s. ~~39.205~~ 415.513. This notice shall be prominently displayed on the first sheet of any documents released pursuant to this section.

Section 33. Section 415.511, Florida Statutes, is renumbered as section 39.203, Florida Statutes, and amended to read:

39.203 415.511 Immunity from liability in cases of child abuse, abandonment, or neglect.—

(1)(a) Any person, official, or institution participating in good faith in any act authorized or required by this chapter ~~ss. 415.502-415.514~~, or reporting in good faith any instance of child abuse, abandonment, or neglect to any law enforcement agency, shall be immune from any civil or criminal liability which might otherwise result by reason of such action.

(b) Except as provided in this chapter s. 415.503(10)(f), nothing contained in this section shall be deemed to grant immunity, civil or criminal, to any person suspected of having abused, abandoned, or neglected a child, or committed any illegal act upon or against a child.

(2)(a) No resident or employee of a facility serving children may be subjected to reprisal or discharge because of his or her actions in reporting abuse, abandonment, or neglect pursuant to the requirements of this section.

(b) Any person making a report under this section shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of such reporting party by reason of his or her making such report. Any detrimental change made in the residency or employment status of such person, including, but not limited to, discharge, termination, demotion, transfer, or reduction in pay or benefits or work privileges, or negative evaluations within a prescribed period of time shall establish a rebuttable presumption that such action was retaliatory.

Section 34. Section 415.512, Florida Statutes, is renumbered as section 39.204, Florida Statutes, and amended to read:

39.204 415.512 Abrogation of privileged communications in cases involving child abuse, abandonment, or neglect.—The privileged quality of communication between husband and wife and between any professional person and his or her patient or client, and any other privileged communication except that between attorney and client or the privilege provided in s. 90.505, as such communication relates both to the competency of the witness and to the exclusion of confidential communications, shall not apply to any communication involving the perpetrator or alleged perpetrator in any situation involving known or suspected child abuse, abandonment, or neglect and shall not constitute grounds for failure to report as required by s. 39.201 415.504 regardless of the source of the information requiring the report, failure to cooperate with the department in its activities pursuant to this chapter ss. 415.502-415.514, or failure to give evidence in any judicial proceeding relating to child abuse, abandonment, or neglect.

Section 35. Section 415.513, Florida Statutes, is renumbered as section 39.205, Florida Statutes, and amended to read:

39.205 415.513 Penalties relating to abuse reporting of child abuse, abandonment, or neglect.—

(1) A person who is required by s. 415.504 to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse hotline registry and tracking system or in the records of any child abuse, abandonment, or

neglect case, except as provided in this chapter ss. 415.502-415.514, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) The department shall establish procedures for determining whether a false report of child abuse, abandonment, or neglect has been made and for submitting all identifying information relating to such a report to the appropriate law enforcement agency and shall report annually to the Legislature the number of reports referred the state attorney for prosecution.

(4) If the department or its authorized agent has determined after its investigation that a report is false, the department shall, with the consent of the alleged perpetrator, refer the report to the local law enforcement agency having jurisdiction for an investigation to determine whether sufficient evidence exists to refer the case for prosecution for filing a false report as defined in s. 39.01(27). During the pendency of the investigation by the local law enforcement agency, the department must notify the local law enforcement agency of, and the local law enforcement agency must respond to all subsequent reports concerning children in that same family in accordance with s. 39.301. If the law enforcement agency believes that there are indicators of abuse, abandonment, or neglect, it must immediately notify the department, which must assure the safety of the children. If the law enforcement agency finds sufficient evidence for prosecution for filing a false report, it must refer the case to the appropriate state attorney for prosecution.

(5)(4) A person who knowing and willfully makes a false report of child abuse, abandonment, or neglect, or who advises another to make a false report, is guilty of a felony of the third ~~misdemeanor of the second degree~~, punishable as provided in s. 775.082 or s. 775.083. Anyone making a report who is acting in good faith is immune from any liability under this subsection.

(6)(5) Each state attorney shall establish written procedures to facilitate the prosecution of persons under this section, and shall report to the Legislature annually the number of complaints that have resulted in the filing of an information or indictment and the disposition of those complaints under this section.

Section 36. Section 415.5131, Florida Statutes, is renumbered as section 39.206, Florida Statutes, and amended to read:

39.206 415.5131 Administrative fines for false report of abuse, abandonment, or neglect of a child; civil damages.—

(1) In addition to any other penalty authorized by this section, chapter 120, or other law, the department may impose a fine, not to exceed \$10,000 ~~\$1,000~~ for each violation, upon a person who knowingly and willfully makes a false report of abuse, abandonment, or neglect of a child, or a person who counsels another to make a false report.

(2) If the department alleges that a person has filed a false report with the central abuse hotline registry and tracking system, the department must file a Notice of Intent which alleges the name, age, and address of the

individual, the facts constituting the allegation that the individual made a false report, and the administrative fine the department proposes to impose on the person. Each time that a false report is made constitutes a separate violation.

(3) The Notice of Intent to impose the administrative fine must be served upon the person alleged to have filed the false report and the person's legal counsel, if any. Such Notice of Intent must be given by certified mail, return receipt requested.

(4) Any person alleged to have filed the false report is entitled to an administrative hearing, pursuant to chapter 120, before the imposition of the fine becomes final. The person must request an administrative hearing within 60 days after receipt of the Notice of Intent by filing a request with the department. Failure to request an administrative hearing within 60 days after receipt of the Notice of Intent constitutes a waiver of the right to a hearing, making the administrative fine final.

(5) At the hearing, the department must prove by a preponderance of the clear and convincing evidence that the person filed a false report with the central abuse ~~hotline registry and tracking system~~. The court shall advise any person against whom a fine may be imposed of that person's right to be represented by counsel at the hearing.

(6) In determining the amount of fine to be imposed, if any, the following factors shall be considered:

(a) The gravity of the violation, including the probability that serious physical or emotional harm to any person will result or has resulted, the severity of the actual or potential harm, and the nature of the false allegation.

(b) Actions taken by the false reporter to retract the false report as an element of mitigation, or, in contrast, to encourage an investigation on the basis of false information.

(c) Any previous false reports filed by the same individual.

(7) A decision by the department, following the administrative hearing, to impose an administrative fine for filing a false report constitutes final agency action within the meaning of chapter 120. Notice of the imposition of the administrative fine must be served upon the person and the person's legal counsel, by certified mail, return receipt requested, and must state that the person may seek judicial review of the administrative fine pursuant to s. 120.68.

(8) All amounts collected under this section shall be deposited into an appropriate trust fund of the department.

(9) A person who is determined to have filed a false report of abuse, abandonment, or neglect is not entitled to confidentiality. Subsequent to the conclusion of all administrative or other judicial proceedings concerning the filing of a false report, the name of the false reporter and the nature of the

false report shall be made public, pursuant to s. 119.01(1). Such information shall be admissible in any civil or criminal proceeding.

(10) A person who knowingly and willfully makes a false report of abuse, abandonment, or neglect of a child, or a person who counsels another to make a false report may be civilly liable for damages suffered, including reasonable attorney fees and costs, as a result of the filing of the false report. If the name of the person who filed the false report or counseled another to do so has not been disclosed under subsection (9), the department as custodian of the records may be named as a party in the suit until the dependency court determines in a written order upon an in camera inspection of the records and report that there is a reasonable basis for believing that the report was false and that the identity of the reporter may be disclosed for the purpose of proceeding with a lawsuit for civil damages resulting from the filing of the false report. The alleged perpetrator may submit witness affidavits to assist the court in making this initial determination.

~~(11)~~(10) Any person making a report who is acting in good faith is immune from any liability under this section and shall continue to be entitled to have the confidentiality of their identity maintained.

Section 37. Part III of chapter 39, Florida Statutes, consisting of sections 39.301, 39.302, 39.303, 39.3035, 39.304, 39.305, 39.306, and 39.307, Florida Statutes, shall be entitled to read:

PART III PROTECTIVE INVESTIGATIONS

Section 38. Section 39.301, Florida Statutes, is created to read:

39.301 Initiation of protective investigations.—

(1) Upon receiving an oral or written report of known or suspected child abuse, abandonment, or neglect, the central abuse hotline shall determine if the report requires an immediate onsite protective investigation. For reports requiring an immediate onsite protective investigation, the central abuse hotline shall immediately notify the department's designated children and families district staff responsible for protective investigations to ensure that an onsite investigation is promptly initiated. For reports not requiring an immediate onsite protective investigation, the central abuse hotline shall notify the department's designated children and families district staff responsible for protective investigations in sufficient time to allow for an investigation. At the time of notification of district staff with respect to the report, the central abuse hotline shall also provide information on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports.

(2)(a) Upon commencing an investigation under this part, the child protective investigator shall inform any subject of the investigation of the following:

1. The names of the investigators and identifying credentials from the department.

2. The purpose of the investigation.

3. The right to obtain his or her own attorney and ways that the information provided by the subject may be used.

4. The possible outcomes and services of the department's response shall be explained to the caregiver.

5. The right of the parent, legal custodian, or caregiver to be involved to the fullest extent possible in determining the nature of the allegation and the nature of any identified problem.

(b) The department's training program shall ensure that protective investigators know how to fully inform parents, guardians, and caregivers of their rights and options, including opportunities for audio or video recording of investigators' interviews with parents, guardians, caretakers, or children.

(3) An assessment of risk and the perceived needs for the child and family shall be conducted in a manner that is sensitive to the social, economic, and cultural environment of the family.

(4) Protective investigations shall be performed by the department or its agent.

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

(a) If it is determined that the report or complaint is complete, after determining that such action would be in the best interests of the child, the attorney for the department shall file a petition for dependency.

(b) If it is determined that the report or complaint is complete, but the interests of the child and the public will be best served by providing the child care or other treatment voluntarily accepted by the child and the parents, caregivers, or legal custodians, the protective investigator may refer the child for such care or other treatment.

(c) If the person conducting the investigation refuses to request the attorney for the department to file a petition for dependency, the complainant shall be advised of the right to file a petition pursuant to this part.

(6) For each report it receives, the department shall perform an onsite child protective investigation to:

(a) Determine the composition of the family or household, including the name, address, date of birth, social security number, sex, and race of each

child named in the report; any siblings or other children in the same household or in the care of the same adults; the parents, legal custodians, or caregivers; and any other adults in the same household.

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

(c) Determine the immediate and long-term risk to each child by conducting state and federal records checks on the parents, legal custodians, or caregivers, and any other persons in the same household. This information shall be used solely for purposes supporting the detection, apprehension, prosecution, pretrial release, post-trial release, or rehabilitation of criminal offenders or persons accused of the crimes of child abuse, abandonment, or neglect and shall not be further disseminated or used for any other purpose. The department's child protection investigators are hereby designated a criminal justice agency for the purpose of accessing criminal justice information to be used for enforcing this state's laws concerning the crimes of child abuse, abandonment, and neglect.

(d) Determine the immediate and long-term risk to each child through utilization of standardized risk assessment instruments.

(e) Based on the information obtained from the caregiver, complete the risk-assessment instrument within 48 hours after the initial contact and, if needed, develop a case plan.

(f) Determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the child's safety and well-being and development, and cause the delivery of those services through the early intervention of the department or its agent.

(7) If the department or its agent is denied reasonable access to a child by the parents, legal custodians, or caregivers and the department deems that the best interests of the child so require, it shall seek an appropriate court order or other legal authority prior to examining and interviewing the child.

(8) If the department or its agent determines that a child requires immediate or long-term protection through:

(a) Medical or other health care;

(b) Homemaker care, day care, protective supervision, or other services to stabilize the home environment, including intensive family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both; or

(c) Foster care, shelter care, or other substitute care to remove the child from the custody of the parents, legal guardians, or caregivers,

such services shall first be offered for voluntary acceptance unless there are high-risk factors that may impact the ability of the parents, legal guardians, or caregivers to exercise judgment. Such factors may include the parents', legal guardians', or caregivers' young age or history of substance abuse or domestic violence. The parents, legal custodians, or caregivers shall be informed of the right to refuse services, as well as the responsibility of the department to protect the child regardless of the acceptance or refusal of services. If the services are refused and the department deems that the child's need for protection so requires, the department shall take the child into protective custody or petition the court as provided in this chapter.

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

(10) No later than 30 days after receiving the initial report, the local office of the department shall complete its investigation.

(11) Immediately upon receipt of a report alleging, or immediately upon learning during the course of an investigation, that:

- (a) The immediate safety or well-being of a child is endangered;
- (b) The family is likely to flee;
- (c) A child died as a result of abuse, abandonment, or neglect;
- (d) A child is a victim of aggravated child abuse as defined in s. 827.03;
or
- (e) A child is a victim of sexual battery or of sexual abuse,

the department shall orally notify the jurisdictionally responsible state attorney, and county sheriff's office or local police department, and, as soon as practicable, transmit the report to those agencies. The law enforcement agency shall review the report and determine whether a criminal investigation needs to be conducted and shall assume lead responsibility for all criminal fact-finding activities. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding an offense described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate.

(12) In a child protective investigation or a criminal investigation, when the initial interview with the child is conducted at school, the department or the law enforcement agency may allow, notwithstanding the provisions of s. 39.0132(4), a school instructional staff member who is known by the child to be present during the initial interview if:

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

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

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

(13) Within 15 days after the completion of the investigation of cases reported to him or her pursuant to this section, the state attorney shall report his or her findings to the department and shall include in such report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

Section 39. Section 39.302, Florida Statutes, is created to read:

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

(1) The department shall conduct a child protective investigation of each report of institutional child abuse, abandonment, or neglect. Upon receipt of a report which alleges that an employee or agent of the department, or any other entity or person covered by s. 39.01(32) or (47), acting in an official capacity, has committed an act of child abuse, abandonment, or neglect, the department shall immediately initiate a child protective investigation and orally notify the appropriate state attorney, law enforcement agency, and licensing agency. These agencies shall immediately conduct a joint investigation, unless independent investigations are more feasible. When a facility is exempt from licensing, the department shall inform the owner or operator of the facility of the report. Each agency conducting a joint investigation shall be entitled to full access to the information gathered by the department in the course of the investigation. In all cases, the department shall make a full written report to the state attorney within 3 days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of the investigation, the state attorney shall report the findings to the department and shall include in such report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

(2)(a) If in the course of the child protective investigation, the department finds that a subject of a report, by continued contact with children in care, constitutes a threatened harm to the physical health, mental health, or welfare of the children, the department may restrict a subject's access to

the children pending the outcome of the investigation. The department or its agent shall employ the least restrictive means necessary to safeguard the physical health, mental health, and welfare of the children in care. This authority shall apply only to child protective investigations in which there is some evidence that child abuse, abandonment, or neglect has occurred. A subject of a report whose access to children in care has been restricted is entitled to petition the circuit court for judicial review. The court shall enter written findings of fact based upon the preponderance of evidence that child abuse, abandonment, or neglect did occur and that the department's restrictive action against a subject of the report was justified in order to safeguard the physical health, mental health, and welfare of the children in care. The restrictive action of the department shall be effective for no more than 90 days without a judicial finding supporting the actions of the department.

(b) Upon completion of the department's child protective investigation, the department may make application to the circuit court for continued restrictive action against any person necessary to safeguard the physical health, mental health, and welfare of the children in care.

(3) Pursuant to the restrictive actions described in subsection (2), in cases of institutional abuse, abandonment, or neglect in which the removal of a subject of a report will result in the closure of the facility, and when requested by the owner of the facility, the department may provide appropriate personnel to assist in maintaining the operation of the facility. The department may provide assistance when it can be demonstrated by the owner that there are no reasonable alternatives to such action. The length of the assistance shall be agreed upon by the owner and the department; however, the assistance shall not be for longer than the course of the restrictive action imposed pursuant to subsection (2). The owner shall reimburse the department for the assistance of personnel provided.

(4) The department shall notify the human rights advocacy committee in the appropriate district of the department as to every report of institutional child abuse, abandonment, or neglect in the district in which a client of the department is alleged or shown to have been abused, abandoned, or neglected, which notification shall be made within 48 hours after the department commences its investigation.

(5) The department shall notify the state attorney and the appropriate law enforcement agency of any other child abuse, abandonment, or neglect case in which a criminal investigation is deemed appropriate by the department.

(6) In cases of institutional child abuse, abandonment, or neglect in which the multiplicity of reports of abuse, abandonment, or neglect or the severity of the allegations indicates the need for specialized investigation by the department in order to afford greater safeguards for the physical health, mental health, and welfare of the children in care, the department shall provide a team of persons specially trained in the areas of child abuse, abandonment, and neglect investigations, diagnosis, and treatment to assist the local office of the department in expediting its investigation and in making recommendations for restrictive actions and to assist in other ways

deemed necessary by the department in order to carry out the provisions of this section. The specially trained team shall also provide assistance to any investigation of the allegations by local law enforcement and the Department of Law Enforcement.

Section 40. Section 415.5055, Florida Statutes, is renumbered as section 39.303, Florida Statutes, and amended to read:

39.303 ~~415.5055~~ Child protection teams; services; eligible cases.—The department shall develop, maintain, and coordinate the services of one or more multidisciplinary child protection teams in each of the service districts of the department. Such teams may be composed of representatives of appropriate health, mental health, social service, legal service, and law enforcement agencies. The Legislature finds that optimal coordination of child protection teams and sexual abuse treatment programs requires collaboration between the Department of Health and the Department of Children and Family Services. The two departments shall maintain an interagency agreement that establishes protocols for oversight and operations of child protection teams and sexual abuse treatment programs. The Secretary of Health and the Director of the Division of Children's Medical Services, in consultation with the Secretary of Children and Family Services, shall maintain the responsibility for the screening, employment, and, if necessary, the termination of child protection team medical directors, at headquarters and in the 15 districts. Child protection team medical directors shall be responsible for oversight of the teams in the districts.

(1) The department shall utilize and convene the teams to supplement the assessment and protective supervision activities of ~~the children, youth, and families program~~ of the department. Nothing in this section shall be construed to remove or reduce the duty and responsibility of any person to report pursuant to this chapter s. 415.504 all suspected or actual cases of child abuse, abandonment, or neglect or sexual abuse of a child. The role of the teams shall be to support activities of the program and to provide services deemed by the teams to be necessary and appropriate to abused, abandoned, and neglected children upon referral. The specialized diagnostic assessment, evaluation, coordination, consultation, and other supportive services that a child protection team shall be capable of providing include, but are not limited to, the following:

(a) Medical diagnosis and evaluation services, including provision or interpretation of X rays and laboratory tests, and related services, as needed, and documentation of findings relative thereto.

(b) Telephone consultation services in emergencies and in other situations.

(c) Medical evaluation related to abuse, abandonment, or neglect, as defined by department policy or rule.

(d) Such psychological and psychiatric diagnosis and evaluation services for the child or the child's parent or parents, legal custodian or custodians guardian or guardians, or other caregivers, or any other individual involved

in a child abuse, abandonment, or neglect case, as the team may determine to be needed.

(e) Short-term psychological treatment. It is the intent of the Legislature that short-term psychological treatment be limited to no more than 6 months' duration after treatment is initiated, except that the appropriate district administrator may authorize such treatment for individual children beyond this limitation if the administrator deems it appropriate.

(f) Expert medical, psychological, and related professional testimony in court cases.

(g) Case staffings to develop, implement, and monitor treatment plans for children whose cases have been referred to the team. A child protection team may provide consultation with respect to a child who has not been referred to the team, but who is alleged or is shown to be abused, abandoned, or neglected, which consultation shall be provided at the request of a representative of the children, youth, and families program or at the request of any other professional involved with a child or the child's parent or parents, legal custodian or custodians ~~guardian or guardians~~, or other caregivers. In every such child protection team case staffing, consultation, or staff activity involving a child, a children, youth, and families program representative shall attend and participate.

(h) Case service coordination and assistance, including the location of services available from other public and private agencies in the community.

(i) Such training services for program and other department employees as is deemed appropriate to enable them to develop and maintain their professional skills and abilities in handling child abuse, abandonment, and neglect cases.

(j) Educational and community awareness campaigns on child abuse, abandonment, and neglect in an effort to enable citizens more successfully to prevent, identify, and treat child abuse, abandonment, and neglect in the community.

(2) The child abuse, abandonment, and neglect cases that are appropriate for referral by the children, youth, and families program to child protection teams for support services as set forth in subsection (1) include, but are not limited to, cases involving:

(a) Bruises, burns, or fractures in a child under the age of 3 years or in a nonambulatory child of any age.

(b) Unexplained or implausibly explained bruises, burns, fractures, or other injuries in a child of any age.

(c) Sexual abuse of a child in which vaginal or anal penetration is alleged or in which other unlawful sexual conduct has been determined to have occurred.

(d) Venereal disease, or any other sexually transmitted disease, in a prepubescent child.

- (e) Reported malnutrition of a child and failure of a child to thrive.
- (f) Reported medical, physical, or emotional neglect of a child.
- (g) Any family in which one or more children have been pronounced dead on arrival at a hospital or other health care facility, or have been injured and later died, as a result of suspected abuse, abandonment, or neglect, when any sibling or other child remains in the home.
- (h) Symptoms of serious emotional problems in a child when emotional or other abuse, abandonment, or neglect is suspected.
- ~~(3) All records and reports of the child protection team are confidential and exempt from the provisions of ss. 119.07(1) and 455.241, and shall not be disclosed, except, upon request, to the state attorney, law enforcement, the department, and necessary professionals, in furtherance of the treatment or additional evaluative needs of the child or by order of the court.~~
- (3) In all instances in which a child protection team is providing certain services to abused, abandoned, or neglected children, other offices and units of the department shall avoid duplicating the provision of those services.

Section 41. Section 39.3035, Florida Statutes, is created to read:

39.3035 Child advocacy centers; standards; state funding.—

(1) In order to become eligible for a full membership in the Florida Network of Children's Advocacy Centers, Inc., a child advocacy center in this state shall:

- (a) Be a private, nonprofit incorporated agency or a governmental entity.
- (b) Be a child protection team with established community protocols which meet all of the requirements of the National Network of Children's Advocacy Centers, Inc.
- (c) Have a neutral, child-focused facility where joint department and law enforcement interviews take place with children in appropriate cases of suspected child sexual abuse or physical abuse. All multidisciplinary agencies shall have a place to interact with the child as investigative or treatment needs require.
- (d) Have a minimum designated staff that is supervised and approved by the local board of directors or governmental entity.
- (e) Have a multidisciplinary case review team that meets on a regularly scheduled basis or as the caseload of the community requires. The team shall consist of representatives from the Office of the State Attorney, the department, the child protection team, mental health services, law enforcement, and the child advocacy center staff. Medical personnel and a victim's advocate may be part of the team.
- (f) Provide case tracking of child abuse cases seen through the center. A center shall also collect data on the number of child abuse cases seen at the

center, by sex, race, age, and other relevant data; the number of cases referred for prosecution; and the number of cases referred for mental health therapy. Case records shall be subject to the confidentiality provisions of s. 39.202.

(g) Provide referrals for medical exams and mental health therapy. The center shall provide followup on cases referred for mental health therapy.

(h) Provide training for various disciplines in the community that deal with child abuse.

(i) Have an interagency commitment, in writing, covering those aspects of agency participation in a multidisciplinary approach to the handling of child sexual abuse and serious physical abuse cases.

(2) Provide assurance that child advocacy center employees and volunteers at the center are trained and screened in accordance with s. 39.001(2).

(3) Any child advocacy center within this state that meets the standards of subsection (1) and is certified by the Florida Network of Children's Advocacy Centers, Inc., as being a full member in the organization shall be eligible to receive state funds that are appropriated by the Legislature.

Section 42. Section 415.507, Florida Statutes, is renumbered as section 39.304, Florida Statutes, and amended to read:

39.304 415.507 Photographs, medical examinations, X rays, and medical treatment of abused, abandoned, or neglected child.—

(1) Any person required to investigate cases of suspected child abuse, abandonment, or neglect may take or cause to be taken photographs of the areas of trauma visible on a child who is the subject of a report. If the areas of trauma visible on a child indicate a need for a medical examination, or if the child verbally complains or otherwise exhibits distress as a result of injury through suspected child abuse, abandonment, or neglect, or is alleged to have been sexually abused, the person required to investigate may cause the child to be referred for diagnosis to a licensed physician or an emergency department in a hospital without the consent of the child's parents, caregiver legal guardian, or legal custodian. Such examination may be performed by an advanced registered nurse practitioner licensed pursuant to chapter 464. Any licensed physician, or advanced registered nurse practitioner licensed pursuant to chapter 464, who has reasonable cause to suspect that an injury was the result of child abuse, abandonment, or neglect may authorize a radiological examination to be performed on the child without the consent of the child's parent, caregiver legal guardian, or legal custodian.

(2) Consent for any medical treatment shall be obtained in the following manner.

(a)1. Consent to medical treatment shall be obtained from a parent or legal custodian guardian of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent or legal custodian guardian of the child is unavailable and his or her whereabouts cannot be reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department shall have the authority to consent to necessary medical treatment for the child. The authority of the department to consent to medical treatment in this circumstance shall be limited to the time reasonably necessary to obtain court authorization.

(c) If a parent or legal custodian guardian of the child is available but refuses to consent to the necessary treatment, a court order shall be required unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse, abandonment, or neglect of the child by a parent or legal custodian guardian. In such case, the department shall have the authority to consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case shall the department consent to sterilization, abortion, or termination of life support.

(3) Any facility licensed under chapter 395 shall provide to the department, its agent, or a child protection team that contracts with the department any photograph or report on examinations made or X rays taken pursuant to this section, or copies thereof, for the purpose of investigation or assessment of cases of abuse, abandonment, neglect, or exploitation of children.

~~(4)~~⁽³⁾ Any photograph or report on examinations made or X rays taken pursuant to this section, or copies thereof, shall be sent to the department as soon as possible.

~~(5)~~⁽⁴⁾ The county in which the child is a resident shall bear the initial costs of the examination of the allegedly abused, abandoned, or neglected child; however, the parents, caregiver legal guardian, or legal custodian of the child shall be required to reimburse the county for the costs of such examination, other than an initial forensic physical examination as provided in s. 960.28, and to reimburse the department of ~~Children and Family Services~~ for the cost of the photographs taken pursuant to this section. A medical provider may not bill a child victim, directly or indirectly, for the cost of an initial forensic physical examination.

~~(5) The court shall order a defendant or juvenile offender who pleads guilty or nolo contendere to, or who is convicted of or adjudicated delinquent for, a violation of chapter 794 or chapter 800 to make restitution to the Crimes Compensation Trust Fund or to the county, whichever paid for the initial forensic physical examination, in an amount equal to the compensation paid to the medical provider for the cost of the initial forensic physical examination. The order may be enforced by the department in the same manner as a judgment in a civil action.~~

Section 43. Section 415.5095, Florida Statutes, is renumbered as section 39.305, Florida Statutes, and amended to read:

39.305 ~~415.5095~~ Intervention and treatment in sexual abuse cases; model plan.—

~~(1) The impact of sexual abuse on the child and family has caused the Legislature to determine that special intervention and treatment must be offered in certain cases so that the child can be protected from further abuse, the family can be kept together, and the abuser can benefit from treatment. To further this end, it is the intent of the Legislature that special funding shall be available in those communities where agencies and professionals are able to work cooperatively to effectuate intervention and treatment in intrafamily sexual abuse cases.~~

~~(2) The department of Children and Family Services shall develop a model plan for community intervention and treatment of intrafamily sexual abuse in conjunction with the Department of Law Enforcement, the Department of Health, the Department of Education, the Attorney General, the state Guardian Ad Litem Program, the Department of Corrections, representatives of the judiciary, and professionals and advocates from the mental health and child welfare community.~~

Section 44. Section 39.306, Florida Statutes, is created to read:

39.306 Child protective investigations; working agreements with local law enforcement.—The department shall enter into agreements with the jurisdictionally responsible county sheriffs' offices and local police departments that will assume the lead in conducting any potential criminal investigations arising from allegations of child abuse, abandonment, or neglect. The written agreement must specify how the requirements of this chapter will be met. For the purposes of such agreement, the jurisdictionally responsible law enforcement entity is authorized to share Florida criminal history information that is not otherwise exempt from s. 119.07(1) with the district personnel, authorized agent, or contract provider directly responsible for the child protective investigation and emergency child placement. The agencies entering into such agreement must comply with s. 943.0525. Criminal justice information provided by such law enforcement entity shall be used only for the purposes specified in the agreement and shall be provided at no charge. Notwithstanding any other provision of law, the Department of Law Enforcement shall provide to the department electronic access to Florida criminal justice information which is lawfully available and not exempt from s. 119.07(1), only for the purpose of child protective investigations and emergency child placement. As a condition of access to such information, the department shall be required to execute an appropriate user agreement addressing the access, use, dissemination, and destruction of such information and to comply with all applicable laws and regulations, and rules of the Department of Law Enforcement.

Section 45. Section 415.50171, Florida Statutes, is renumbered as section 39.307, Florida Statutes, and subsection (1), paragraph (a) of subsection (2), and subsection (6) of said section are amended to read:

~~39.307 415.50171—Family services response system; Reports of child-on-child sexual abuse.—~~

(1) ~~Subject to specific appropriation, Upon receiving a report alleging juvenile sexual abuse as defined in s. 39.01(7)(b), the department shall assist the family in receiving appropriate services 415.50165(7), district staff shall, unless caregiver abuse or neglect is involved, use a family services response system approach to address the allegations of the report.~~

(2) District staff, at a minimum, shall adhere to the following procedures:

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

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

2. The name and office telephone number of the person responding shall be provided to the caregiver of the alleged juvenile sexual offender and victim's caregiver.

3. The possible consequences of the department's response, including outcomes and services, shall be explained to the caregiver of the alleged juvenile sexual offender and the victim's family or caregiver.

(6) At any time, as a result of additional information, findings of facts, or changing conditions, the department may pursue a child protective investigation as provided in this chapter part IV.

Section 46. Part IV of chapter 39, Florida Statutes, consisting of sections 39.311, 39.312, 39.313, 39.314, 39.315, 39.316, 39.317, and 39.318, Florida Statutes, shall be entitled to read:

PART IV FAMILY BUILDERS PROGRAM

Section 47. Section 415.515, Florida Statutes, is renumbered as section 39.311, Florida Statutes, and amended to read:

39.311 415.515 Establishment of Family Builders Program.—

(1) Any Family Builders Program that is established by the department ~~of Children and Family Services or the Department of Juvenile Justice~~ shall provide family preservation services to families whose children are at risk of imminent out-of-home placement because they are dependent ~~or delinquent or are children in need of services~~, to reunite families whose children have been removed and placed in foster care, and to maintain adoptive families intact who are at risk of fragmentation. The Family Builders Program shall provide programs to achieve long-term changes within families that will allow children to remain with their families as an alternative to the more expensive and potentially psychologically damaging program of out-of-home placement.

(2) ~~The department of Children and Family Services and the Department of Juvenile Justice~~ may adopt rules to implement the Family Builders Program.

Section 48. Section 415.516, Florida Statutes, is renumbered as section 39.312, Florida Statutes, and amended to read:

39.312 ~~415.516~~ Goals.—The goals of any Family Builders Program shall be to:

(1) ~~(1)~~ Ensure child health and safety while working with the family.

~~(2)~~(1) Help parents to improve their relationships with their children and to provide better care, nutrition, hygiene, discipline, protection, instruction, and supervision.

~~(3)~~(2) Help parents to provide a better household environment for their children by improving household maintenance, budgeting, and purchasing.

~~(4)~~(3) Provide part-time child care when parents are unable to do so or need temporary relief.

~~(5)~~(4) Perform household maintenance, budgeting, and purchasing when parents are unable to do so on their own or need temporary relief.

~~(6)~~(5) Assist parents and children to manage and resolve conflicts.

~~(7)~~(6) Assist parents to meet the special physical, mental, or emotional needs of their children and help parents to deal with their own special physical, mental, or emotional needs that interfere with their ability to care for their children and to manage their households.

~~(8)~~(7) Help families to discover and gain access to community resources to which the family or children might be entitled and which would assist the family in meeting its needs and the needs of the children, including the needs for food, clothing, housing, utilities, transportation, appropriate educational opportunities, employment, respite care, and recreational and social activities.

~~(9)~~(8) Help families by providing cash or in-kind assistance to meet their needs for food, clothing, housing, or transportation when such needs prevent or threaten to prevent parents from caring for their children, and when such needs are not met by other sources in the community in a timely fashion.

~~(9)~~ ~~Emphasize parental responsibility and facilitate counseling for children at high risk of delinquent behavior and their parents.~~

(10) Provide such additional reasonable services for the prevention of maltreatment and unnecessary foster care as may be needed in order to strengthen a family at risk.

Section 49. Section 415.517, Florida Statutes, is renumbered as section 39.313, Florida Statutes, and amended to read:

39.313 ~~415.517~~ Contracting of services.—The department may contract for the delivery of Family Builders Program services by professionally qualified persons or local governments when it determines that it is in the family's best interest. The service provider or program operator must submit to

the department monthly activity reports covering any services rendered. These activity reports must include project evaluation in relation to individual families being served, as well as statistical data concerning families referred for services who are not served due to the unavailability of resources. The costs of program evaluation are an allowable cost consideration in any service contract negotiated in accordance with this section subsection.

Section 50. Section 415.518, Florida Statutes, is renumbered as section 39.314, Florida Statutes, and amended to read:

39.314 415.518 Eligibility for Family Builders Program services.—Family Builders Program services must be made available to a family at risk on a voluntary basis, provided the family meets the eligibility requirements as established by rule and there is space available in the program. All members of the families who accept such services are responsible for cooperating fully with the family preservation plan developed for each family under s. 39.315 this section. Families in which children are at imminent risk of sexual abuse or physical endangerment perpetrated by a member of their immediate household are not eligible to receive family preservation services unless the perpetrator is in, or has agreed to enter, a program for treatment and the safety of the children may be enhanced through participation in the Family Builders Program.

Section 51. Section 415.519, Florida Statutes, is renumbered as section 39.315, Florida Statutes.

Section 52. Section 415.520, Florida Statutes, is renumbered as section 39.316, Florida Statutes, and subsection (3) of said section is amended to read:

39.316 415.520 Qualifications of Family Builders Program workers.—

(3) Caseworkers must successfully complete at least 40 hours of intensive training prior to providing direct services service under this program. Paraprofessional aides and supervisors must, within 90 days after hiring, complete a training program prescribed by the department on child abuse, abandonment, and neglect and an overview of the children, youth, and families program components and service delivery system. Program supervisors and caseworkers must thereafter complete at least 40 hours of additional training each year in accordance with standards established by the department.

Section 53. Section 415.521, Florida Statutes, is renumbered as section 39.317, Florida Statutes.

Section 54. Section 415.522, Florida Statutes, is renumbered as section 39.318, Florida Statutes, and amended to read:

39.318 415.522 Funding.—The department is authorized to use appropriate state, federal, and private funds within its budget for operating the Family Builders Program. For each child served, the cost of providing home-based services described in this part act must not exceed the costs of out-of-home care which otherwise would be incurred.

Section 55. Part V of chapter 39, Florida Statutes, consisting of sections 39.395, 39.401, 39.402, 39.407, and 39.4075, Florida Statutes, shall be entitled to read:

PART V
TAKING CHILDREN INTO CUSTODY
AND SHELTER HEARINGS

Section 56. Section 39.395, Florida Statutes, is created to read:

39.395 Detaining a child; medical or hospital personnel.—Any person in charge of a hospital or similar institution, or any physician or licensed health care professional treating a child may detain that child without the consent of the parents, caregiver, or legal custodian, whether or not additional medical treatment is required, if the circumstances are such, or if the condition of the child is such that returning the child to the care or custody of the parents, caregiver, or legal custodian presents an imminent danger to the child's life or physical or mental health. Any such person detaining a child shall immediately notify the department, whereupon the department shall immediately begin a child protective investigation in accordance with the provisions of this chapter and shall make every reasonable effort to immediately notify the parents, caregiver, or legal custodian that such child has been detained. If the department determines, according to the criteria set forth in this chapter, that the child should be detained longer than 24 hours, it shall petition the court through the attorney representing the Department of Children and Family Services as quickly as possible and not to exceed 24 hours, for an order authorizing such custody in the same manner as if the child were placed in a shelter. The department shall attempt to avoid the placement of a child in an institution whenever possible.

Section 57. Section 39.401, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is amended to read:

39.401 Taking a child alleged to be dependent into custody; law enforcement officers and authorized agents of the department.—

(1) A child may only be taken into custody:

(a) Pursuant to the provisions of this part, based upon sworn testimony, either before or after a petition is filed; or—

(b) By a law enforcement officer, or an authorized agent of the department, if the officer or authorized agent has probable cause to support a finding or reasonable grounds for removal and that removal is necessary to protect the child. Reasonable grounds for removal are as follows:

1. That the child has been abused, neglected, or abandoned, or is suffering from or is in imminent danger of illness or injury as a result of abuse, neglect, or abandonment;

2. That the parent, legal custodian, caregiver, or responsible adult relative custodian of the child has materially violated a condition of placement imposed by the court; or

3. That the child has no parent, legal custodian, caregiver, or responsible adult relative immediately known and available to provide supervision and care.

(2) If the law enforcement officer takes person taking the child into custody ~~is not an authorized agent of the department~~, that officer person shall:

(a) Release the child to:

1. The parent, caregiver, or guardian, legal custodian of the child;

2. A responsible adult approved by the court when limited to temporary emergency situations;

3. A responsible adult relative who shall be given priority consideration over a nonrelative placement when this is in the best interests of the child; or

4. A responsible adult approved by the department; within 3 days following such release, the person taking the child into custody shall make a full written report to the department for cases involving allegations of abandonment, abuse, or neglect or other dependency cases, or

(b) Deliver the child to an authorized agent of the department, stating the facts by reason of which the child was taken into custody and sufficient information to establish probable cause that the child is abandoned, abused, or neglected, or otherwise dependent ~~and make a full written report to the department within 3 days.~~

For cases involving allegations of abandonment, abuse, or neglect, or other dependency cases, within 3 days after such release or within 3 days after delivering the child to an authorized agent of the department, the law enforcement officer who took the child into custody shall make a full written report to the department.

(3) If the child is taken into custody by, or is delivered to, an authorized agent of the department, the authorized agent shall review the facts supporting the removal with an attorney representing the department legal staff prior to the emergency shelter hearing. The purpose of this review shall be to determine whether probable cause exists for the filing of a an emergency shelter petition pursuant to s. 39.402(1). If the facts are not sufficient to support the filing of a shelter petition, the child shall immediately be returned to the custody of the parent, caregiver, or legal custodian. If the facts are sufficient to support the filing of the shelter hearing the attorney representing the Department of Children and Family Services shall request pursuant to s. 39.402(1), such hearing to be held as quickly as possible and not to exceed within 24 hours after the removal of the child. While awaiting the emergency shelter hearing, the authorized agent of the department may place the child in licensed shelter care or may release the child to a parent, guardian, legal custodian, caregiver, or responsible adult relative who shall be given priority consideration over a licensed nonrelative placement, or responsible adult approved by the department when this is in the best interests of the child. Any placement of a child which is not in a licensed

shelter must be preceded by a local and state criminal records check, as well as a search of the department's automated abuse information system, on all members of the household, to assess the child's safety within the home. In addition, the department may authorize placement of a housekeeper/homemaker in the home of a child alleged to be dependent until the parent or legal custodian assumes care of the child.

(4) When a child is taken into custody pursuant to this section, the department of ~~Children and Family Services~~ shall request that the child's parent, caregiver, or legal custodian disclose the names, relationships, and addresses of all parents and prospective parents and all next of kin of the child, so far as are known.

Section 58. Section 39.402, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is amended to read:

39.402 Placement in a shelter.—

(1) Unless ordered by the court under this chapter, a child taken into custody shall not be placed in a shelter prior to a court hearing unless there are reasonable grounds for removal and removal is necessary to protect the child. Reasonable grounds for removal are as follows:

(a) The child has been abused, neglected, or abandoned, or is suffering from or is in imminent danger of illness or injury as a result of abuse, neglect, or abandonment;

(b) The custodian of the child has materially violated a condition of placement imposed by the court; or

(c) The child has no parent, legal custodian, caregiver, or responsible adult relative immediately known and available to provide supervision and care.

(2) A child taken into custody may be placed or continued in a shelter only if one or more of the criteria in subsection (1) applies and the court has made a specific finding of fact regarding the necessity for removal of the child from the home and has made a determination that the provision of appropriate and available services will not eliminate the need for placement.

(3) Whenever a child is taken into custody, the department shall immediately notify the parents or legal custodians, shall provide the parents or legal custodians with a statement setting forth a summary of procedures involved in dependency cases, and shall notify them of their right to obtain their own attorney.

(4) If the department determines that placement in a shelter is necessary under subsections (1) and (2), the authorized agent of the department shall authorize placement of the child in a shelter.

(5)(a) The parents or legal custodians of the child shall be given actual notice of the date, time, and location of the ~~emergency~~ shelter hearing. If the parents or legal custodians are outside the jurisdiction of the court, are not

known, or cannot be located or refuse or evade service, they shall be given such notice as best ensures their actual knowledge of the date, time, and location of the emergency shelter hearing. The person providing or attempting to provide notice to the parents or legal custodians shall, if the parents or legal custodians are not present at the hearing, advise the court either in person or by sworn affidavit, of the attempts made to provide notice and the results of those attempts.

(b) The parents or legal custodians shall be given written notice that:

~~(b) At the emergency shelter hearing, the department must establish probable cause that reasonable grounds for removal exist and that the provision of appropriate and available services will not eliminate the need for placement.~~

1.(e) They will The parents or legal custodians shall be given an opportunity to be heard and to present evidence at the emergency shelter hearing; ~~and.~~

2. They have the right to be represented by counsel, and, if indigent, the right to be represented by appointed counsel, at the shelter hearing and at each subsequent hearing or proceeding, pursuant to the procedures set forth in s. 39.013.

~~(6)(5)(a)~~ The circuit court, or the county court, if previously designated by the chief judge of the circuit court for such purpose, shall hold the shelter hearing.

(b) The shelter petition filed with the court must address each condition required to be determined by the court in paragraphs (8)(a) and (b) subsection (7).

~~(7)(6)~~ A child may not be removed from the home or continued out of the home pending disposition if, with the provision of appropriate and available early intervention or preventive services, including services provided in the home, the child could safely remain at home. If the child's safety and well-being are in danger, the child shall be removed from danger and continue to be removed until the danger has passed. If the child has been removed from the home and the reasons for his or her removal have been remedied, the child may be returned to the home. If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home, the court shall allow the child to remain in the home.

~~(8)(7)(a)~~ A child may not be held in a shelter longer than 24 hours unless an order so directing is entered by the court after a an emergency shelter hearing. In the interval until the shelter hearing is held, the decision to place the child in a shelter or release the child from a shelter lies with the protective investigator. At the emergency shelter hearing, the court shall appoint a guardian ad litem to represent the child unless the court finds that such representation is unnecessary.

(b) The parents or legal custodians of the child shall be given such notice as best ensures their actual knowledge of the time and place of the shelter

hearing and shall be given an opportunity to be heard and to present evidence at the emergency shelter hearing. The failure to provide notice to a party or participant does not invalidate an order placing a child in a shelter if the court finds that the petitioner has made a good faith effort to provide such notice. The court shall require the parents or legal custodians present at the hearing to provide to the court on the record the names, addresses, and relationships of all parents, prospective parents, and next of kin of the child, so far as are known.

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

1. Appoint a guardian ad litem to represent the child, unless the court finds that such representation is unnecessary;

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

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

(d) At the shelter hearing, the department must establish probable cause that reasonable grounds for removal exist and that the provision of appropriate and available services will not eliminate the need for placement.

(e) At the shelter hearing, each party shall provide to the court a permanent mailing address. The court shall advise each party that this address will be used by the court and the petitioner for notice purposes unless and until the party notifies the court and the petitioner in writing of a new mailing address.

(f)(b) The order for placement of a child in shelter care must identify the parties present at the hearing and must contain written findings:

1. That placement in shelter care is necessary based on the criteria in subsections (1) and (2).

2. That placement in shelter care is in the best interest of the child.

3. That continuation of the child in the home is contrary to the welfare of the child because the home situation presents a substantial and immediate danger to the child's physical, mental, or emotional health or safety child which cannot be mitigated by the provision of preventive services.

4. That based upon the allegations of the petition for placement in shelter care, there is probable cause to believe that the child is dependent.

5. That the department has made reasonable efforts to prevent or eliminate the need for removal of the child from the home. A finding of reasonable effort by the department to prevent or eliminate the need for removal may be made and the department is deemed to have made reasonable efforts to prevent or eliminate the need for removal if:

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

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

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

6. That the court notified the parents or legal custodians of the subsequent dependency proceedings, including scheduled hearings, and of the importance of the active participation of the parents or legal custodians in those subsequent proceedings and hearings.

7. That the court notified the parents or legal custodians of their right to counsel to represent them at the shelter hearing and at each subsequent hearing or proceeding, and the right of the parents to appointed counsel, pursuant to the procedures set forth in s. 39.013.

~~(c) The failure to provide notice to a party or participant does not invalidate an order placing a child in a shelter if the court finds that the petitioner has made a good faith effort to provide such notice.~~

~~(d) In the interval until the shelter hearing is held under paragraph (a), the decision to place the child in a shelter or release the child from a shelter lies with the protective investigator in accordance with subsection (3).~~

(9) At any shelter hearing, the court shall determine visitation rights absent a clear and convincing showing that visitation is not in the best interest of the child.

(10) The shelter hearing order shall contain a written determination as to whether the department has made a reasonable effort to prevent or eliminate the need for removal or continued removal of the child from the home. If the department has not made such an effort, the court shall order the department to provide appropriate and available services to ensure the protection of the child in the home when such services are necessary for the child's health and safety.

~~(8) A child may not be held in a shelter under an order so directing for more than 21 days unless an order of adjudication for the case has been entered by the court. The parent, guardian, or custodian of the child must be notified of any order directing placement of the child in an emergency shelter and, upon request, must be afforded a hearing within 48 hours, excluding Sundays and legal holidays, to review the necessity for continued placement in the shelter for any time periods as provided in this section. At any arraignment hearing or determination of emergency shelter care, the court shall determine visitation rights absent a clear and convincing showing that visitation is not in the best interest of the child, and the court shall~~

~~make a written determination as to whether the department has made a reasonable effort to prevent or eliminate the need for removal or continued removal of the child from the home. If the department has not made such an effort, the court shall order the department to provide appropriate and available services to assure the protection of the child in the home when such services are necessary for the child's safety. Within 7 days after the child is taken into custody, a petition alleging dependency must be filed and, within 14 days after the child is taken into custody, an arraignment hearing must be held for the child's parent, guardian, or custodian to admit, deny, or consent to the findings of dependency alleged in the petition.~~

(11)(12) If a When any child is placed in a shelter pursuant to under a court order following a shelter hearing, the court shall prepare a shelter hearing order requiring the parents of the child, or the guardian of the child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department or institution having custody of the child, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

(12) In the event the shelter hearing is conducted by a judge other than the juvenile court judge, the juvenile court judge shall hold a shelter review on the status of the child within 2 working days after the shelter hearing.

(13)(9) A child may not be held in a shelter under an order so directing for more than 60 days without an adjudication of dependency. A child may not be held in a shelter for more than 30 days after the entry of an order of adjudication unless an order of disposition under s. 39.41 has been entered by the court.

(14)(40) The time limitations in this section subsection (8) do not include:

(a) Periods of delay resulting from a continuance granted at the request or with the consent of the child's counsel or the child's guardian ad litem, if one has been appointed by the court, or, if the child is of sufficient capacity to express reasonable consent, at the request or with the consent of the child's attorney or the child's guardian ad litem, if one has been appointed by the court, and the child.

(b) Periods of delay resulting from a continuance granted at the request of the attorney for the department, if the continuance is granted:

1. Because of an unavailability of evidence material to the case when the attorney for the department has exercised due diligence to obtain such evidence and there are substantial grounds to believe that such evidence will be available within 30 days. However, if the department is not prepared to present its case within 30 days, the parent or legal custodian guardian may move for issuance of an order to show cause or the court on its own motion may impose appropriate sanctions, which may include dismissal of the petition.

2. To allow the attorney for the department additional time to prepare the case and additional time is justified because of an exceptional circumstance.

(c) Reasonable periods of delay necessary to accomplish notice of the hearing to the child's parents or legal custodians; however, the petitioner shall continue regular efforts to provide notice to the parents or legal custodians during such periods of delay.

(d) Reasonable periods of delay resulting from a continuance granted at the request of the parent or legal custodian of a subject child.

(15) At the conclusion of a shelter hearing, the court shall notify all parties in writing of the next scheduled hearing to review the shelter placement. Such hearing shall be held no later than 30 days after placement of the child in shelter status, in conjunction with the arraignment hearing.

~~(11) The court shall review the necessity for a child's continued placement in a shelter in the same manner as the initial placement decision was made and shall make a determination regarding the continued placement:~~

~~(a) Within 24 hours after any violation of the time requirements for the filing of a petition or the holding of an arraignment hearing as prescribed in subsection (8); or~~

~~(b) Prior to the court's granting any delay as specified in subsection (10).~~

Section 59. Section 39.407, Florida Statutes, is amended to read:

39.407 Medical, psychiatric, and psychological examination and treatment of child; physical or mental examination of parent, ~~guardian~~, or person requesting custody of child.—

(1) When any child is taken into custody and is to be detained in shelter care, the department is authorized to have a medical screening performed on the child without authorization from the court and without consent from a parent or legal custodian ~~guardian~~. Such medical screening shall be performed by a licensed health care professional and shall be to examine the child for injury, illness, and communicable diseases and to determine the need for immunization. The department shall by rule establish the invasiveness of the medical procedures authorized to be performed under this subsection. In no case does this subsection authorize the department to consent to medical treatment for such children.

(2) When the department has performed the medical screening authorized by subsection (1), or when it is otherwise determined by a licensed health care professional that a child who is in the custody of the department, but who has not been committed to the department pursuant to s. 39.41, is in need of medical treatment, including the need for immunization, consent for medical treatment shall be obtained in the following manner:

(a)1. Consent to medical treatment shall be obtained from a parent or legal custodian ~~guardian~~ of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent or legal custodian ~~guardian~~ of the child is unavailable and his or her whereabouts cannot be reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department shall have the authority to consent to necessary medical treatment, including immunization, for the child. The authority of the department to consent to medical treatment in this circumstance shall be limited to the time reasonably necessary to obtain court authorization.

(c) If a parent or legal custodian ~~guardian~~ of the child is available but refuses to consent to the necessary treatment, including immunization, a court order shall be required unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse, abandonment, or neglect of the child by a parent, caregiver, or legal custodian ~~or guardian~~. In such case, the department shall have the authority to consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case shall the department consent to sterilization, abortion, or termination of life support.

(3) A judge may order a child in the physical custody of the department to be examined by a licensed health care professional. The judge may also order such child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disability diagnostic and evaluation team of the department. If it is necessary to place a child in a residential facility for such evaluation, then the criteria and procedure established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable. The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education as defined in s. 230.23 ~~230.2315~~(2).

(4) A judge may order a child in the physical custody of the department to be treated by a licensed health care professional based on evidence that the child should receive treatment. The judge may also order such child to receive mental health or retardation services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, then the procedures and criteria established in s. 394.467 or chapter 393 shall be used, whichever is applicable. A child may be provided mental health or retardation services in emergency situations, pursuant to the procedures and criteria contained in s. 394.463(1) or chapter 393, whichever is applicable.

(5) When a child is in the physical custody of the department, a licensed health care professional shall be immediately called if there are indications of physical injury or illness, or the child shall be taken to the nearest available hospital for emergency care.

(6) Except as otherwise provided herein, nothing in this section shall be deemed to eliminate the right of a parent, legal custodian guardian, or the child to consent to examination or treatment for the child.

(7) Except as otherwise provided herein, nothing in this section shall be deemed to alter the provisions of s. 743.064.

(8) A court shall not be precluded from ordering services or treatment to be provided to the child by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a church or religious organization, when required by the child's health and when requested by the child.

(9) Nothing in this section shall be construed to authorize the permanent sterilization of the child unless such sterilization is the result of or incidental to medically necessary treatment to protect or preserve the life of the child.

(10) For the purpose of obtaining an evaluation or examination, or receiving treatment as authorized pursuant to this section subsection, no child alleged to be or found to be dependent shall be placed in a detention home or other program used primarily for the care and custody of children alleged or found to have committed delinquent acts.

(11) The parents or legal custodian guardian of a child in the physical custody of the department remain financially responsible for the cost of medical treatment provided to the child even if either one or both of the parents or if the legal custodian guardian did not consent to the medical treatment. After a hearing, the court may order the parents or legal custodian guardian, if found able to do so, to reimburse the department or other provider of medical services for treatment provided.

(12) Nothing in this section alters the authority of the department to consent to medical treatment for a dependent child when the child has been committed to the department ~~pursuant to s. 39.41~~, and the department has become the legal custodian of the child.

(13) At any time after the filing of a shelter petition or petition for dependency, when the mental or physical condition, including the blood group, of a parent, caregiver, legal custodian guardian, or other person requesting custody of a child is in controversy, the court may order the person to submit to a physical or mental examination by a qualified professional. The order may be made only upon good cause shown and pursuant to notice and procedures as set forth by the Florida Rules of Juvenile Procedure.

Section 60. Section 39.4033, Florida Statutes, is renumbered as section 39.4075, Florida Statutes, and amended to read:

39.4075 ~~39.4033~~ Referral of a dependency case to mediation.—

(1) At any stage in a dependency proceeding, ~~the case-staffing committee~~ or any party may request the court to refer the parties to mediation in accordance with chapter 44 and rules and procedures developed by the Supreme Court.

(2) A court may refer the parties to mediation. When such services are available, the court must determine whether it is in the best interests of the child to refer the parties to mediation.

(3) The department shall advise the ~~parties~~ ~~parents or legal guardians~~ that they are responsible for contributing to the cost of the dependency ~~family~~ mediation to the extent of their ability to pay.

(4) This section applies only to courts in counties in which dependency mediation programs have been established and does not require the establishment of such programs in any county.

Section 61. Part VI of chapter 39, Florida Statutes, consisting of sections 39.501, 39.502, 39.503, 39.504, 39.505, 39.506, 39.507, 39.508, 39.5085, 39.509, and 39.510, Florida Statutes, shall be entitled to read:

PART VI
PETITION, ARRAIGNMENT, ADJUDICATION,
AND DISPOSITION

Section 62. Section 39.404, Florida Statutes, is renumbered as section 39.501, Florida Statutes, and amended to read:

39.501 ~~39.404~~ Petition for dependency.—

(1) All proceedings seeking an adjudication that a child is dependent shall be initiated by the filing of a petition by an attorney for the department, or any other person who has knowledge of the facts alleged or is informed of them and believes that they are true.

(2) The purpose of a petition seeking the adjudication of a child as a dependent child is the protection of the child and not the punishment of the person creating the condition of dependency.

(3)(a) The petition shall be in writing, shall identify and list all parents, if known, and all current ~~caregivers or legal~~ custodians of the child, and shall be signed by the petitioner under oath stating the petitioner's good faith in filing the petition. When the petition is filed by the department, it shall be signed by an attorney for the department.

(b) The form of the petition and its contents shall be determined by rules of juvenile procedure adopted by the Supreme Court.

(c) The petition must specifically set forth the acts or omissions upon which the petition is based and the identity of the person or persons alleged to have committed the acts or omissions, if known. The petition need not contain allegations of acts or omissions by both parents.

(d) The petitioner must state in the petition, if known, whether:

1. A parent, legal custodian, or ~~caregiver~~ ~~person responsible for the child's welfare~~ named in the petition has previously unsuccessfully participated in voluntary services offered by the department;

2. A parent ~~or, legal custodian, or person responsible for the child's welfare~~ named in the petition has participated in mediation and whether a mediation agreement exists;

3. A parent ~~or, legal custodian, or person responsible for the child's welfare~~ has rejected the voluntary services offered by the department; or

4. The department has determined that voluntary services are not appropriate for this family and the reasons for such determination.

(4) When a child has been placed in shelter status by order of the court ~~the child has been taken into custody~~, a petition alleging dependency must be filed within 7 days upon demand of a party, but no later than 21 days after the shelter hearing after the date the child is taken into custody. In all other cases, the petition must be filed within a reasonable time after the date the child was referred to protective investigation ~~under s. 39.403~~. The child's parent, guardian, or custodian must be served with a copy of the petition at least 72 hours before the arraignment hearing.

(5) A petition for termination of parental rights ~~under s. 39.464~~ may be filed at any time.

Section 63. Section 39.405, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is renumbered as section 39.502, Florida Statutes, and amended to read:

39.502 ~~39.405~~ Notice, process, and service.—

(1) Unless parental rights have been terminated, all parents and legal custodians must be notified of all proceedings or hearings involving the child. Notice in cases involving shelter hearings and hearings resulting from medical emergencies must be that most likely to result in actual notice to the parents and legal custodians. In all other dependency proceedings, notice must be provided in accordance with subsections (4) through (9).

(2) Personal appearance of any person in a hearing before the court obviates the necessity of serving process on that person.

(3) Upon the filing of a petition containing allegations of facts which, if true, would establish that the child is a dependent child, and upon the request of the petitioner, the clerk or deputy clerk shall issue a summons.

(4) The summons shall require the person on whom it is served to appear for a hearing at a time and place specified, not less than 24 hours after service of the summons. A copy of the petition shall be attached to the summons.

(5) The summons shall be directed to, and shall be served upon, all parties other than the petitioner.

(6) It is the duty of the petitioner or moving party to notify all participants and parties known to the petitioner or moving party of all hearings subsequent to the initial hearing unless notice is contained in prior court orders and these orders were provided to the participant or party. Proof of

notice or provision of orders may be provided by certified mail with a signed return receipt.

(7) Service of the summons and service of pleadings, papers, and notices subsequent to the summons on persons outside this state must be made pursuant to s. 61.1312.

(8) It is not necessary to the validity of a proceeding covered by this part that the parents, caregivers, or legal custodians be present if their identity or residence is unknown after a diligent search has been made, but in this event the petitioner shall file an affidavit of diligent search prepared by the person who made the search and inquiry, and the court may appoint a guardian ad litem for the child.

(9) When an affidavit of diligent search has been filed under subsection (8), the petitioner shall continue to search for and attempt to serve the person sought until excused from further search by the court. The petitioner shall report on the results of the search at each court hearing until the person is identified or located or further search is excused by the court.

~~(10)~~(9) Service by publication shall not be required for dependency hearings and the failure to serve a party or give notice to a participant shall not affect the validity of an order of adjudication or disposition if the court finds that the petitioner has completed a diligent search for that party or participant.

~~(11)~~(40) Upon the application of a party or the petitioner, the clerk or deputy clerk shall issue, and the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, and other tangible objects at any hearing.

~~(12)~~(44) All process and orders issued by the court shall be served or executed as other process and orders of the circuit court and, in addition, may be served or executed by authorized agents of the department or the guardian ad litem.

~~(13)~~(42) Subpoenas may be served within the state by any person over 18 years of age who is not a party to the proceeding and, in addition, may be served by authorized agents of the department.

~~(14)~~(43) No fee shall be paid for service of any process or other papers by an agent of the department or the guardian ad litem. If any process, orders, or any other papers are served or executed by any sheriff, the sheriff's fees shall be paid by the county.

~~(14) Failure of a person served with notice to respond or appear at the arraignment hearing constitutes the person's consent to a dependency adjudication. The document containing the notice to respond or appear must contain, in type at least as large as the balance of the document, the following or substantially similar language: "FAILURE TO RESPOND TO THIS NOTICE OR TO APPEAR AT THIS HEARING CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD (OR THESE CHILDREN) AS DEPENDENT CHILDREN AND MAY ULTIMATELY RESULT IN LOSS OF CUSTODY OF THIS CHILD."~~

(15) A party who is identified as a person with mental illness or with a developmental disability ~~developmentally disabled person~~ must be informed by the court of the availability of advocacy services through the department, the Association for Retarded Citizens, or other appropriate mental health or developmental disability advocacy groups and encouraged to seek such services.

(16) If the party to whom an order is directed is present or represented at the final hearing, service of the order is not required.

(17) The parent or legal custodian of the child, the attorney for the department, the guardian ad litem, and all other parties and participants shall be given reasonable notice of all hearings provided for under this part.

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

Section 64. Section 39.4051, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is renumbered as section 39.503, Florida Statutes, and amended to read:

39.503 ~~39.4051~~ Identity or location of parent or legal custodian unknown; special procedures.—

(1) If the identity or location of a parent or legal custodian is unknown and a petition for dependency or shelter is filed, the court shall conduct the following inquiry of the parent or legal custodian who is available, or, if no parent or legal custodian is available, of any relative or custodian of the child who is present at the hearing and likely to have the information:

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

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

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

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

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

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

(3) If the inquiry under subsection (1) identifies any person as a parent or prospective parent, the court shall require notice of the hearing to be provided to that person.

(4) If the inquiry under subsection (1) fails to identify any person as a parent or prospective parent, the court shall so find and may proceed without further notice.

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

(6) The diligent search required by subsection (5) must include, at a minimum, inquiries of all relatives of the parent or prospective parent made known to the petitioner, inquiries of all offices of program areas of the department likely to have information about the parent or prospective parent, inquiries of other state and federal agencies likely to have information about the parent or prospective parent, inquiries of appropriate utility and postal providers, and inquiries of appropriate law enforcement agencies. Pursuant to s. 453 of the Social Security Act, 42 U.S.C. 653(c)(B)(4), the department, as the state agency administering Titles IV-B and IV-E of the act, shall be provided access to the federal and state parent locator service for diligent search activities.

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

(8) If the inquiry and diligent search identifies a prospective parent, that person must be given the opportunity to become a party to the proceedings by completing a sworn affidavit of parenthood and filing it with the court or the department. A prospective parent who files a sworn affidavit of parenthood while the child is a dependent child but no later than at the time of or prior to the adjudicatory hearing in any termination of parental rights proceeding for the child shall be considered a parent for all purposes under this section unless the other parent contests the determination of parenthood. If the known parent contests the recognition of the prospective parent as a parent, the prospective parent shall not be recognized as a parent until proceedings under chapter 742 have been concluded. However, the prospective parent shall continue to receive notice of hearings as a participant pending results of the chapter 742 proceedings.

Section 65. Section 39.4055, Florida Statutes, is renumbered as section 39.504, Florida Statutes, and subsections (2) and (4) of said section are amended to read:

39.504 ~~39.4055~~ Injunction pending disposition of petition for ~~detention~~ or dependency; penalty.—

(2)(a) Notice shall be provided to the parties as set forth in the Florida Rules of Juvenile Procedure, unless the child is reported to be in imminent danger, in which case the court may issue an injunction immediately. A judge may issue an emergency injunction pursuant to this section without notice at times when the court is closed for the transaction of judicial business. When such an immediate injunction is issued, the court shall hold a hearing on the next day of judicial business either to dissolve the injunction or to continue or modify it in accordance with the other provisions of this section.

~~(b) A judge may issue an emergency injunction pursuant to this section at times when the court is closed for the transaction of judicial business. The court shall hold a hearing on the next day of judicial business either to dissolve the emergency injunction or to continue or modify it in accordance with the other provisions of this section.~~

(4) A copy of any injunction issued pursuant to this section shall be delivered to the protected party, or a parent or caregiver or ~~an~~ individual acting in the place of a parent who is not the respondent, and to any law enforcement agency having jurisdiction to enforce such injunction. Upon delivery of the injunction to the appropriate law enforcement agency, the agency shall have the duty and responsibility to enforce the injunction.

Section 66. Section 39.406, Florida Statutes, is renumbered as section 39.505, Florida Statutes, and amended to read:

39.505 ~~39.406~~ No answer required.—No answer to the petition or any other pleading need be filed by any child, parent, or legal custodian, but any matters which might be set forth in an answer or other pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of an answer or any pleading, the respondent child or parent shall, prior to an adjudicatory hearing, be advised by the court of the right to counsel and shall be given an opportunity to deny the allegations in the petition for dependency or to enter a plea to allegations in the petition before the court.

Section 67. Subsection (1) of section 39.408, Florida Statutes, is renumbered as section 39.506, Florida Statutes, and amended to read:

39.506 ~~39.408~~ Arraignment hearings for dependency cases.—

(1) ~~ARRAIGNMENT HEARING.~~—

(a) When a child has been detained by order of the court, an arraignment hearing must be held, within 7 days after the date of filing of the dependency petition ~~14 days from the date the child is taken into custody~~, for the parent, guardian, or legal custodian to admit, deny, or consent to findings of dependency alleged in the petition. If the parent, ~~guardian,~~ or legal custodian admits or consents to the findings in the petition, the court shall proceed as set forth in the Florida Rules of Juvenile Procedure. However, if the parent, ~~guardian,~~ or legal custodian denies any of the allegations of the petition, the court shall hold an adjudicatory hearing within 30 days after ~~7 days from~~

the date of the arraignment hearing unless a continuance is granted pursuant to this chapter s. 39.402(11).

(2)(b) When a child is in the custody of the parent, ~~guardian~~, or legal custodian, upon the filing of a petition the clerk shall set a date for an arraignment hearing within a reasonable time after the date of the filing. If the parent, ~~guardian~~, or legal custodian admits or consents to an adjudication, the court shall proceed as set forth in the Florida Rules of Juvenile Procedure. However, if the parent, ~~guardian~~, or legal custodian denies any of the allegations of dependency, the court shall hold an adjudicatory hearing within a reasonable time after the date of the arraignment hearing.

(3) Failure of a person served with notice to respond or appear at the arraignment hearing constitutes the person's consent to a dependency adjudication. The document containing the notice to respond or appear must contain, in type at least as large as the balance of the document, the following or substantially similar language: "FAILURE TO RESPOND TO THIS NOTICE OR TO PERSONALLY APPEAR AT THE ARRAIGNMENT HEARING CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD (OR CHILDREN) AS A DEPENDENT CHILD (OR CHILDREN) AND MAY ULTIMATELY RESULT IN LOSS OF CUSTODY OF THIS CHILD (OR CHILDREN)."

(4) At the arraignment hearing, each party shall provide to the court a permanent mailing address. The court shall advise each party that this address will be used by the court and the petitioner for notice purposes unless and until the party notifies the court and the petitioner in writing of a new mailing address.

(5)(c) If at the arraignment hearing the parent, ~~guardian~~, or legal custodian consents or admits to the allegations in the petition, the court shall proceed to hold a dispositional hearing no more than 15 days after the date of the arraignment hearing unless a continuance is necessary at the earliest practicable time that will allow for the completion of a predisposition study.

(6) At any arraignment hearing, the court shall order visitation rights absent a clear and convincing showing that visitation is not in the best interest of the child.

(7) The court shall review whether the department has made a reasonable effort to prevent or eliminate the need for removal or continued removal of the child from the home. If the court determines that the department has not made such an effort, the court shall order the department to provide appropriate and available services to assure the protection of the child in the home when such services are necessary for the child's physical, mental, or emotional health and safety.

(8) At the arraignment hearing, and no more than 15 days thereafter, the court shall review the necessity for the child's continued placement in the shelter. The court shall also make a written determination regarding the child's continued placement in shelter within 24 hours after any violation of the time requirements for the filing of a petition or prior to the court's granting any continuance as specified in subsection (5).

(9) At the conclusion of the arraignment hearing, all parties shall be notified in writing by the court of the date, time, and location for the next scheduled hearing.

Section 68. Subsection (2) of section 39.408, Florida Statutes, and section 39.409, Florida Statutes, are renumbered as section 39.507, Florida Statutes, and amended to read:

39.507 39.408 Adjudicatory hearings; orders of adjudication ~~Hearings for dependency cases.~~—

~~(2) ADJUDICATORY HEARING.~~—

~~(1)(a) The adjudicatory hearing shall be held as soon as practicable after the petition for dependency is filed and in accordance with the Florida Rules of Juvenile Procedure, but no later than 30 days after the arraignment. reasonable delay for the purpose of investigation, discovery, or procuring counsel or witnesses shall, whenever practicable, be granted. If the child is in custody, the time limitations provided in s. 39.402 and subsection (1) of this section apply.~~

(b) Adjudicatory hearings shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases and adjourning the hearings from time to time as necessary. In a hearing on a petition in which it is alleged that the child is dependent, a preponderance of evidence will be required to establish the state of dependency. Any evidence presented in the dependency hearing which was obtained as the result of an anonymous call must be independently corroborated. In no instance shall allegations made in an anonymous report of abuse, abandonment, or neglect be sufficient to support an adjudication of dependency in the absence of corroborating evidence.

~~(2)(c)~~ (e) All hearings, except as provided in this section, shall be open to the public, and a person may not be excluded except on special order of the judge, who may close any hearing to the public upon determining that the public interest or the welfare of the child is best served by so doing. However, the parents shall be allowed to obtain discovery pursuant to the Florida Rules of Juvenile Procedure. However, nothing in this ~~subsection~~ paragraph shall be construed to affect the provisions of s. ~~39.202~~ 415.51(9). Hearings involving more than one child may be held simultaneously when the children involved are related to each other or were involved in the same case. The child and the parents, caregivers, or legal custodians of the child may be examined separately and apart from each other.

(3) Except as otherwise specifically provided, nothing in this section prohibits the publication of the proceedings in a hearing.

~~39.409—Orders of adjudication.~~—

~~(4)(1)~~ (1) If the court finds at the adjudicatory hearing that the child named in a petition is not dependent, it shall enter an order so finding and dismissing the case.

(5)(2) If the court finds that the child named in the petition is dependent, but finds that no action other than supervision in the child's home is required, it may enter an order briefly stating the facts upon which its finding is based, but withholding an order of adjudication and placing the child's home under the supervision of the department. If the court later finds that the parents, caregivers, or legal custodians of the child have not complied with the conditions of supervision imposed, the court may, after a hearing to establish the noncompliance, but without further evidence of the state of dependency, enter an order of adjudication and shall thereafter have full authority under this chapter to provide for the child as adjudicated.

(6)(3) If the court finds that the child named in a petition is dependent, but shall elect not to proceed under subsection (5) (2), it shall incorporate that finding in an order of adjudication entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to provide for the child as adjudicated.

(7) At the conclusion of the adjudicatory hearing, if the child named in the petition is found dependent, the court shall schedule the disposition hearing within 30 days after the filing of the adjudicatory order. All parties shall be notified in writing by the court of the date, time, and location of the disposition hearing.

(8)(4) An order of adjudication by a court that a child is dependent shall not be deemed a conviction, nor shall the child be deemed to have been found guilty or to be a criminal by reason of that adjudication, nor shall that adjudication operate to impose upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction or disqualify or prejudice the child in any civil service application or appointment.

Section 69. Subsections (3) and (4) of section 39.408, Florida Statutes, and section 39.41, Florida Statutes, as amended by chapter 97-276, Laws of Florida, are renumbered as section 39.508, Florida Statutes, and amended to read:

39.508 39.408 Disposition hearings; powers of disposition Hearings for dependency cases.—

(1)(3) DISPOSITION HEARING.—At the disposition hearing, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents, caregivers, or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted, the court shall receive and consider a case plan and a predisposition study, which must be in writing and presented by an authorized agent of the department.

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

(a)1. An assessment defining the dangers and risks of returning the child home, including a description of the changes in and resolutions to the initial risks.

(b)2. A description of what risks are still present and what resources are available and will be provided for the protection and safety of the child.

(c)3. A description of the benefits of returning the child home.

(d)4. A description of all unresolved issues.

(e)5. An abuse registry history and criminal records check for all caregivers caretakers, family members, and individuals residing within the household.

(f)6. The complete child protection team report and recommendation or, if no report exists, a statement reflecting that no report has been made.

(g)7. All opinions or recommendations from other professionals or agencies that provide evaluative, social, reunification, or other services to the family.

(h)8. The availability of appropriate prevention and reunification services for the family to prevent the removal of the child from the home or to reunify the child with the family after removal, including the availability of family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both.

(i)9. The inappropriateness of other prevention and reunification services that were available.

(j)10. The efforts by the department to prevent out-of-home placement of the child or, when applicable, to reunify the family if appropriate services were available, including the application of intensive family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both.

(k)11. Whether the services were provided to the family and child.

(l)12. If the services were provided, whether they were sufficient to meet the needs of the child and the family and to enable the child to remain safely at home or to be returned home.

(m)13. If the services were not provided, the reasons for such lack of action.

(n)14. The need for, or appropriateness of, continuing the services if the child remains in the custody of the family or if the child is placed outside the home.

(o)15. Whether family mediation was provided.

~~16. Whether a multidisciplinary case staffing was conducted and, if so, the results.~~

(p)17. If the child has been removed from the home and there is a parent, caregiver, or legal custodian who may be considered for custody pursuant to this section s. 39.41(1), a recommendation as to whether placement of the child with that parent, caregiver, or legal custodian would be detrimental to the child.

(q) If the child has been removed from the home and will be remaining with a relative or caregiver, a home study report shall be included in the predisposition report.

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

(3)(a) Prior to recommending to the court any out-of-home placement for a child other than placement in a licensed shelter or foster home, the department shall conduct a study of the home of the proposed caregivers, which must include, at a minimum:

1. An interview with the proposed adult caregivers to assess their ongoing commitment and ability to care for the child.

2. Records checks through the department's automated abuse information system, and local and statewide criminal and juvenile records checks through the Department of Law Enforcement, on all household members 12 years of age or older and any other persons made known to the department who are frequent visitors in the home.

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

4. A determination of the financial security of the proposed caregivers.

5. A determination of suitable child care arrangements if the proposed caregivers are employed outside of the home.

6. Documentation of counseling and information provided to the proposed caregivers regarding the dependency process and possible outcomes.

7. Documentation that information regarding support services available in the community has been provided to the caregivers.

(b) The department shall not place the child or continue the placement of the child in the home of the proposed caregivers if the results of the home study are unfavorable.

(4)(b) If placement of the child with anyone other than the child's parent, caregiver, or legal custodian is being considered, the predisposition study shall include the designation of a specific length of time as to when custody by the parent, caregiver, or legal custodian will be reconsidered.

~~(c) A copy of the predisposition study must be furnished to all parties no later than 48 hours before the disposition hearing.~~

(5)(d) The predisposition study may not be made before the adjudication of dependency unless the parents, caregivers, or legal custodians of the child consent.

(6) A case plan and predisposition study must be filed with the court and served upon the parents, caregivers, or legal custodians of the child, provided to the representative of the guardian ad litem program, if the program has been appointed, and provided to all other parties not less than 72 hours before the disposition hearing. All such case plans must be approved by the court. If the court does not approve the case plan at the disposition hearing, the court must set a hearing within 30 days after the disposition hearing to review and approve the case plan.

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

~~Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as provided in paragraph (2)(c), nothing in this section prohibits the publication of proceedings in a hearing.~~

~~(4) NOTICE OF HEARINGS.—The parent or legal custodian of the child, the attorney for the department, the guardian ad litem, and all other parties and participants shall be given reasonable notice of all hearings provided for under this section.~~

~~39.41—Powers of disposition.—~~

~~(8)(1) When any child is adjudicated by a court to be dependent, and the court finds that removal of the child from the custody of a parent, legal custodian, or caregiver is necessary, the court shall first determine whether there is a parent with whom the child was not residing at the time the events or conditions arose that brought the child within the jurisdiction of the court who desires to assume custody of the child and, if such parent requests custody, the court shall place the child with the parent unless it finds that such placement would endanger the safety, and well-being, or physical, mental, or emotional health of the child. Any party with knowledge of the facts may present to the court evidence regarding whether the placement will endanger the safety, and well-being, or physical, mental, or emotional health of the child. If the court places the child with such parent, it may do either of the following:~~

~~(a) Order that the parent become the legal and physical custodian of the child. The court may also provide for reasonable visitation by the noncustodial parent. The court shall then terminate its jurisdiction over the child.~~

The custody order shall continue unless modified by a subsequent order of the court. The order of the juvenile court shall be filed in any dissolution or other custody action or proceeding between the parents.

(b) Order that the parent assume custody subject to the jurisdiction of the juvenile court. The court may order that reunification services be provided to the parent, caregiver, or legal custodian or guardian from whom the child has been removed, that services be provided solely to the parent who is assuming physical custody in order to allow that parent to retain later custody without court jurisdiction, or that services be provided to both parents, in which case the court shall determine at every review hearing ~~hearings held every 6 months~~ which parent, if either, shall have custody of the child. The standard for changing custody of the child from one parent to another or to a relative or caregiver must meet the home study criteria and court approval pursuant to this chapter ~~at the review hearings shall be the same standard as applies to changing custody of the child in a custody hearing following a decree of dissolution of marriage.~~

(9)(2)(a) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child has the power, by order, to:

1. Require the parent, caregiver, or legal guardian, or custodian, and the child when appropriate, to participate in treatment and services identified as necessary.

2. Require the parent, caregiver, or legal guardian, or custodian, and the child when appropriate, to participate in mediation if the parent, caregiver, or legal guardian, or custodian refused to participate in mediation under s. 39.4033.

3. Place the child under the protective supervision of an authorized agent of the department, either in the child's own home or, the prospective custodian being willing, in the home of a relative of the child or of a caregiver an adult nonrelative approved by the court, or in some other suitable place under such reasonable conditions as the court may direct. ~~Whenever the child is placed under protective supervision pursuant to this section, the department shall prepare a case plan and shall file it with the court.~~ Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall ~~may~~ be terminated by the court whenever the court determines that permanency has been achieved for the child ~~the child's placement~~, whether with a parent, another relative, a legal custodian, or a caregiver, or a nonrelative, ~~is stable~~ and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order terminating supervision by the department of Children and Family Services shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified.

4. Place the child in the temporary legal custody of an adult relative or caregiver an adult nonrelative approved by the court who is willing to care for the child.

5.a. When the parents have failed to comply with a case plan and the court determines at a judicial review hearing, or at an adjudication hearing held pursuant to s. 39.453, or at a hearing held pursuant to subparagraph (1)(a)7. of this section, that neither reunification, termination of parental rights, nor adoption is in the best interest of the child, the court may place the child in the long-term custody of an adult relative or caregiver ~~adult nonrelative~~ approved by the court willing to care for the child, if the following conditions are met:

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

(II) The case plan for the child does not include reunification with the parents or adoption by the relative or caregiver.

(III) The child and the relative or caregiver ~~nonrelative~~ ~~custodian~~ are determined not to need protective supervision or preventive services to ensure the stability of the long-term custodial relationship, or the department assures the court that protective supervision or preventive services will be provided in order to ensure the stability of the long-term custodial relationship.

(IV) Each party to the proceeding agrees that a long-term custodial relationship does not preclude the possibility of the child returning to the custody of the parent at a later date.

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

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

b. The court shall retain jurisdiction over the case, and the child shall remain in the long-term custody of the relative or caregiver ~~nonrelative~~ approved by the court until the order creating the long-term custodial relationship is modified by the court. The court may relieve the department of the responsibility for supervising the placement of the child whenever the court determines that the placement is stable and that such supervision is no longer needed. Notwithstanding the retention of jurisdiction, the placement shall be considered a permanency option for the child when the court relieves the department of the responsibility for supervising the placement. The order terminating supervision by the department of ~~Children and Family Services~~ shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. The court may modify the order terminating supervision of the long-term relative or caregiver ~~nonrelative~~ placement if it finds that a party to the proceeding has shown a material change in circumstances which causes the long-term relative or caregiver ~~nonrelative~~ placement to be no longer in the best interest of the child.

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

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

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

(III) The department's social services study pursuant to part VIII s. 39.453(6)(a) recommends long-term out-of-home foster care.

b. Long-term out-of-home foster care under the above conditions shall not be considered a permanency option.

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

(I) The child is 14 years of age or older,

(II) The child is living in a licensed home and the foster parents desire to provide care for the child on a permanent basis and the foster parents and the child do not desire adoption,

(III) The foster family has made a commitment to provide for the child until he or she reaches the age of majority and to prepare the child for adulthood and independence, and

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

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

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

d. Notwithstanding the retention of jurisdiction and supervision by the department, long-term out-of-home foster care placements made pursuant to ~~sub-subparagraph (2)(a)6.c.~~ of this section shall be considered a permanency option for the child. For purposes of this subsection, supervision by the department shall be defined as a minimum of semiannual visits. The order placing the child in long-term out-of-home foster care as a permanency option shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. The court may modify the permanency option of long-term out-of-home foster care if it finds that a party to the proceeding has shown a material change in circumstances which causes the placement to be no longer in the best interests of the child.

e. Approve placement of the child in an independent living arrangement for any foster child 16 years of age or older, if it can be clearly established that this type of alternate care arrangement is the most appropriate plan and that the health, safety, and well-being of the child will not be jeopardized by such an arrangement. While in independent living situations, children whose legal custody has been awarded to the department or a licensed child-caring or child-placing agency, or who have been voluntarily placed with such an agency by a parent, guardian, relative, or adult nonrelative approved by the court, continue to be subject to court review provisions.

~~7. Commit the child to a licensed child-caring agency willing to receive the child. Continued commitment to the licensed child-caring agency, as well as all other proceedings under this section pertaining to the child, are also governed by part V of this chapter.~~

7.8. Commit the child to the temporary legal custody of the department. Such commitment invests in the department all rights and responsibilities of a legal custodian. The department shall not return any child to the physical care and custody of the person from whom the child was removed, except for short visitation periods, without the approval of the court. The term of such commitment continues until terminated by the court or until the child reaches the age of 18. After the child is committed to the temporary custody of the department, all further proceedings under this section are also governed by part V of this chapter.

8.9.a. Change the temporary legal custody or the conditions of protective supervision at a postdisposition hearing subsequent to the initial detention hearing, without the necessity of another adjudicatory hearing. A child who has been placed in the child's own home under the protective supervision of an authorized agent of the department, in the home of a relative, in the home of a legal custodian or caregiver nonrelative, or in some other place may be brought before the court by the agent of the department who is supervising the placement or by any other interested person, upon the filing of a petition alleging a need for a change in the conditions of protective supervision or the placement. If the parents or other custodians deny the need for a change, the court shall hear all parties in person or by counsel, or both. Upon the admission of a need for a change or after such hearing, the court shall enter an order changing the placement, modifying the conditions of protective supervision, or continuing the conditions of protective supervision as ordered. The standard for changing custody of the child from one parent to another or to a relative or caregiver must meet the home study criteria and court approval pursuant to this chapter.

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

~~10. Approve placement of the child in an independent living arrangement for any foster child 16 years of age or older, if it can be clearly established that this type of alternate care arrangement is the most appropriate~~

~~plan and that the safety and welfare of the child will not be jeopardized by such an arrangement. While in independent living situations, children whose legal custody has been awarded to the department or a licensed child-caring or child-placing agency, or who have been voluntarily placed with such an agency by a parent, guardian, relative, or adult nonrelative approved by the court, continue to be subject to the court review provisions of s. 39.453.~~

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

1. The placement or custody of the child as provided in paragraph (a).
2. Special conditions of placement and visitation.
3. Evaluation, counseling, treatment activities, and other actions to be taken by the parties, if ordered.
4. The persons or entities responsible for supervising or monitoring services to the child and family.
5. Continuation or discharge of the guardian ad litem, as appropriate.
6. The date, time, and location of the next scheduled review hearing, which must occur within 90 days after the disposition hearing or within the earlier of:
 - a. Six months after the date of the last review hearing; or
 - b. Six months after the date of the child's removal from his or her home, if no review hearing has been held since the child's removal from the home. The period of time or date for any subsequent case review required by law.
7. Other requirements necessary to protect the health, safety, and well-being of the child, to preserve the stability of the child's educational placement, and to promote family preservation or reunification whenever possible.

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

~~(d)(5)(a)~~ If the court commits the child to the temporary legal custody of the department, the disposition order must include a written determination that the child cannot safely remain at home with reunification or family preservation services and that removal of the child is necessary to protect the child. If the child has been removed before the disposition hearing, the order must also include a written determination as to whether, after removal, the department has made a reasonable effort to reunify the family. The department has the burden of demonstrating that it has made reasonable efforts under this paragraph subsection.

1.(b) For the purposes of this paragraph subsection, the term “reasonable effort” means the exercise of reasonable diligence and care by the department to provide the services delineated in the case plan.

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

a.1. Enter written findings as to whether or not prevention or reunification efforts were indicated.

b.2. If prevention or reunification efforts were indicated, include a brief written description of what appropriate and available prevention and reunification efforts were made.

c.3. Indicate in writing why further efforts could or could not have prevented or shortened the separation of the family.

3.(d) A court may find that the department has made a reasonable effort to prevent or eliminate the need for removal if:

a.1. The first contact of the department with the family occurs during an emergency.

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

c.3. The child cannot safely remain at home, either because there are no preventive services that can ensure the health and safety of the child or, even with appropriate and available services being provided, the health and safety of the child cannot be ensured.

4.(e) A reasonable effort by the department for reunification of the family has been made if the appraisal of the home situation by the department indicates that the severity of the conditions of dependency is such that reunification efforts are inappropriate. The department has the burden of demonstrating to the court that reunification efforts were inappropriate.

5.(f) If the court finds that the prevention or reunification effort of the department would not have permitted the child to remain safely at home, the court may commit the child to the temporary legal custody of the department or take any other action authorized by this chapter part.

(10)(3)(a) When any child is adjudicated by the court to be dependent and temporary legal custody of the child has been placed with an adult relative, legal custodian, or caregiver ~~or adult nonrelative~~ approved by the court ~~willing to care for the child~~, a licensed child-caring agency, or the department, the court shall, unless a parent has voluntarily executed a written surrender for purposes of adoption, order the parents, or the guardian of the child’s estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay child support to the adult relative, legal custodian, or caregiver ~~or nonrelative~~ caring for the

child, the licensed child-caring agency, or the department. The court may exercise jurisdiction over all child support matters, shall adjudicate the financial obligation, including health insurance, of the child's parents or guardian, and shall enforce the financial obligation as provided in chapter 61. The state's child support enforcement agency shall enforce child support orders under this section in the same manner as child support orders under chapter 61.

(b) Placement of the child pursuant to subsection ~~(8)~~ ~~(4)~~ shall not be contingent upon issuance of a support order.

~~(11)(4)(a)~~ If the court does not commit the child to the temporary legal custody of an adult relative, legal custodian, or caregiver or ~~adult nonrelative~~ approved by the court, the disposition order shall include the reasons for such a decision and shall include a determination as to whether diligent efforts were made by the department to locate an adult relative, legal custodian, or caregiver willing to care for the child in order to present that placement option to the court instead of placement with the department.

(b) If ~~diligent efforts are a diligent search~~ is made to locate an adult relative willing and able to care for the child but, because no suitable relative is found, the child is placed with the department or a legal custodian or caregiver ~~nonrelative custodian~~, both the department and the court shall consider transferring temporary legal custody to an a willing adult relative or ~~adult nonrelative~~ approved by the court at a later date, but neither the department nor the court is obligated to so place the child if it is in the child's best interest to remain in the current placement. For the purposes of this paragraph, "diligent efforts to locate an adult relative" means a search similar to the diligent search for a parent, but without the continuing obligation to search after an initial adequate search is completed.

~~(12)(6)~~ An agency granted legal custody shall have the right to determine where and with whom the child shall live, but an individual granted legal custody shall exercise all rights and duties personally unless otherwise ordered by the court.

~~(13)(7)~~ In carrying out the provisions of this chapter, the court may order the natural parents, caregivers, or legal custodians ~~guardian~~ of a child who is found to be dependent to participate in family counseling and other professional counseling activities deemed necessary for the rehabilitation of the child.

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

~~(15)(9)~~ The court may at any time enter an order ending its jurisdiction over any child, except that, when a child has been returned to the parents under subsection ~~(14)~~ ~~(8)~~, the court shall not terminate its jurisdiction over the child until 6 months after the child's return. Based on a report of the

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

Section 70. Section 39.5085, Florida Statutes, is created to read:

39.5085 Relative Caregiver Program.—

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

(a) Recognize family relationships in which a grandparent or other relative is the head of a household that includes a child otherwise at risk of foster care placement.

(b) Enhance family preservation and stability by recognizing that most children in such placements with grandparents and other relatives do not need intensive supervision of the placement by the courts or by the department.

(c) Provide additional placement options and incentives that will achieve permanency and stability for many children who are otherwise at risk of foster care placement because of abuse, abandonment, or neglect, but who may successfully be able to be placed by the dependency court in the care of such relatives.

(d) Reserve the limited casework and supervisory resources of the courts and the department for those cases in which children do not have the option for safe, stable care within the family.

(2)(a) The Department of Children and Family Services shall establish and operate the Relative Caregiver Program pursuant to eligibility guidelines established in this section as further implemented by rule of the department. The Relative Caregiver Program shall, within the limits of available funding, provide financial assistance to relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that child in the role of substitute parent as a result of a departmental determination of child abuse, neglect, or abandonment and subsequent placement with the relative pursuant to chapter 39. Such placement may be either court-ordered temporary legal custody to the relative pursuant to s. 39.508(9), or court-ordered placement in the home of a relative under protective supervision of the department pursuant to s. 39.508(9). The Relative Caregiver Program shall offer financial assistance to caregivers who are relatives and who would be unable to serve in that capacity without the relative caregiver payment because of financial burden, thus exposing the child to the trauma of placement in a shelter or in foster care.

(b) Caregivers who are relatives and who receive assistance under this section must be capable, as determined by a home study, of providing a physically safe environment and a stable, supportive home for the children under their care, and must assure that the children's well-being is met, including, but not limited to, the provision of immunizations, education, and mental health services as needed.

(c) Relatives who qualify for and participate in the Relative Caregiver Program are not required to meet foster care licensing requirements under s. 409.175.

(d) Relatives who are caring for children placed with them by the child protection system shall receive a special monthly relative caregiver benefit established by rule of the department. The amount of the special benefit payment shall be based on the child's age within a payment schedule established by rule of the department and subject to availability of funding. The statewide average monthly rate for children judicially placed with relatives who are not licensed as foster homes may not exceed 82 percent of the statewide average foster care rate, nor may the cost of providing the assistance described in this section to any relative caregiver exceed the cost of providing out-of-home care in emergency shelter or foster care.

(e) Children receiving cash benefits under this section are not eligible to simultaneously receive WAGES cash benefits under chapter 414.

(f) Within available funding, the Relative Caregiver Program shall provide relative caregivers with family support and preservation services, flexible funds in accordance with s. 409.165, subsidized child care, and other available services in order to support the child's safety, growth, and healthy development. Children living with relative caregivers who are receiving assistance under this section shall be eligible for medicaid coverage.

(g) The department may use appropriate available state, federal, and private funds to operate the Relative Caregiver Program.

Section 71. Section 39.4105, Florida Statutes, is renumbered as section 39.509, Florida Statutes, and amended to read:

39.509 39.4105 Grandparents rights.—Notwithstanding any other provision of law, a maternal or paternal grandparent as well as a stepgrandparent is entitled to reasonable visitation with his or her grandchild who has been adjudicated a dependent child and taken from the physical custody of the his or her parent, custodian, legal guardian, or caregiver unless the court finds that such visitation is not in the best interest of the child or that such visitation would interfere with the goals of the case plan ~~pursuant to s. 39.451~~. Reasonable visitation may be unsupervised and, where appropriate and feasible, may be frequent and continuing.

(1) Grandparent visitation may take place in the home of the grandparent unless there is a compelling reason for denying such a visitation. The department's caseworker shall arrange the visitation to which a grandparent is entitled pursuant to this section. The state shall not charge a fee for any costs associated with arranging the visitation. However, the grandparent shall pay for the child's cost of transportation when the visitation is to take place in the grandparent's home. The caseworker shall document the reasons for any decision to restrict a grandparent's visitation.

(2) A grandparent entitled to visitation pursuant to this section shall not be restricted from appropriate displays of affection to the child, such as appropriately hugging or kissing his or her grandchild. Gifts, cards, and

letters from the grandparent and other family members shall not be denied to a child who has been adjudicated a dependent child.

(3) Any attempt by a grandparent to facilitate a meeting between the child who has been adjudicated a dependent child and the child's parent, custodian, legal guardian, or caregiver in violation of a court order shall automatically terminate future visitation rights of the grandparent.

(4) When the child has been returned to the physical custody of his or her parent or permanent custodian, legal guardian, or caregiver, the visitation rights granted pursuant to this section shall terminate.

(5) The termination of parental rights does not affect the rights of grandparents unless the court finds that such visitation is not in the best interest of the child or that such visitation would interfere with the goals of permanency planning for the child.

~~(6)(5)~~ In determining whether grandparental visitation is not in the child's best interest, consideration may be given to the finding of guilt, regardless of adjudication, or entry or plea of guilty or nolo contendere to charges under the following statutes, or similar statutes of other jurisdictions: s. 787.04, relating to removing minors from the state or concealing minors contrary to court order; s. 794.011, relating to sexual battery; s. 798.02, relating to lewd and lascivious behavior; chapter 800, relating to lewdness and indecent exposure; or chapter 827, relating to the abuse of children. Consideration may also be given to a finding of confirmed abuse, abandonment, or neglect under ss. 415.101-415.113 or this chapter and ss. 415.502-415.514.

Section 72. Section 39.413, Florida Statutes, is renumbered as section 39.510, Florida Statutes, and subsection (1) of said section is amended to read:

39.510 ~~39.413~~ Appeal.—

(1) Any child, ~~any~~ parent, guardian ad litem, caregiver, or legal custodian of any child, any other party to the proceeding who is affected by an order of the court, or the department may appeal to the appropriate district court of appeal within the time and in the manner prescribed by the Florida Rules of Appellate Procedure. Appointed counsel shall be compensated as provided in this chapter ~~s. 39.415.~~

Section 73. Part VII of chapter 39, Florida Statutes, consisting of sections 39.601, 39.602, and 39.603, Florida Statutes, shall be entitled to read:

PART VII CASE PLANS

Section 74. Sections 39.4031 and 39.451, Florida Statutes, are renumbered as section 39.601, Florida Statutes, and amended to read:

39.601 ~~39.4031~~ Case plan requirements.—

(1) The department or agent of the department shall develop a case plan for each child or child's family receiving services pursuant to this chapter ~~who is a party to any dependency proceeding, activity, or process under this part.~~ A parent, caregiver, or legal guardian, or custodian of a child may not be required nor coerced through threat of loss of custody or parental rights to admit in the case plan to abusing, neglecting, or abandoning a child. Where dependency mediation services are available and appropriate to the best interests of the child, the court may refer the case to mediation for development of a case plan. This section does not change the provisions of s. ~~39.807~~ 39.464.

~~(2)~~ The case plan must be:

(a) ~~The case plan must be developed in conference with the parent, caregiver, or legal guardian, or custodian of the child and, if appropriate, the child and any court-appointed guardian ad litem and, if appropriate, the child. Any parent who believes that his or her perspective has not been considered in the development of a case plan may request referral to mediation pursuant to s. 39.4033 when such services are available.~~

(b) ~~The case plan must be written simply and clearly in English and, if English is not the principal language of the child's parent, caregiver, or legal guardian, or custodian, to the extent possible in such principal language.~~

(c) The case plan must describe the minimum number of face-to-face meetings to be held each month between the parents, caregivers, or legal custodians and the department's caseworkers to review progress of the plan, to eliminate barriers to progress, and to resolve conflicts or disagreements.

~~(d)(e)~~ The case plan must be subject to modification based on changing circumstances.

~~(e)(d)~~ The case plan must be signed by all parties.

~~(f)(e)~~ The case plan must be reasonable, accurate, and in compliance with the requirements of other court orders.

~~(2)(3) When the child or family is receiving services in the child's home, the case plan must be developed within 30 days from the date of the department's initial contact with the child, or within 30 days of the date of a disposition order placing the child under the protective supervision of the department in the child's own home, and must include, in addition to the requirements in subsection (1) (2), at a minimum:~~

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

(b) A description of the services to be provided to the family and child specifically addressing the identified problem, including:

1. Type of services or treatment.

2. Frequency of services or treatment.
3. Location of the delivery of the services.
4. The accountable department staff or service provider.
5. ~~The need for a multidisciplinary case staffing under s. 39.4032.~~

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

~~(3)(4)~~ When the child is receiving services in a placement outside the child's home or in foster care, the case plan must be submitted to the court for approval at the disposition hearing prepared within 30 days after placement and also be approved by the court and must include, in addition to the requirements in subsections (1) and (2) and (3), at a minimum:

(a) A description of the permanency goal for the child, including the type of placement. Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts to prevent removal of the child from the home or make it possible for the child to return safely home.

(b) A description of the type of home or institution in which the child is to be placed.

(c) A description of the financial support obligation to the child, including health insurance, of the child's parent, parents, caregiver, or legal custodian or guardian.

(d) A description of the visitation rights and obligations of the parent or parents, caregiver, or legal custodian during the period the child is in care.

(e) A discussion of the safety and appropriateness of the child's placement, which placement is intended to be safe, in the least restrictive and most family-like setting available consistent with the best interest and special needs of the child, and in as close proximity as possible to the child's home. The plan must also establish the role for the foster parents or custodians in the development of the services which are to be provided to the child, foster parents, or legal custodians. It must also address the child's need for services while under the jurisdiction of the court and implementation of these services in the case plan.

(f) A description of the efforts to be undertaken to maintain the stability of the child's educational placement.

~~(g)(f)~~ A discussion of the department's plans to carry out the judicial determination made by the court, with respect to the child, in accordance with this chapter and applicable federal regulations.

~~(h)(g)~~ A description of the plan for assuring that services outlined in the case plan are provided to the child and the child's parent or parents, legal custodians, or caregivers, to improve the conditions in the family home and

facilitate either the safe return of the child to the home or the permanent placement of the child.

(i)(h) A description of the plan for assuring that services as outlined in the case plan are provided to the child and the child's parent or parents, legal custodians, or caregivers, to address the needs of the child and a discussion of the appropriateness of the services.

(j)(i) A description of the plan for assuring that services are provided to the child and foster parents to address the needs of the child while in foster care, which shall include an itemized list of costs to be borne by the parent or caregiver associated with any services or treatment that the parent and child are expected to receive.

(k)(f) A written notice to the parent that failure of the parent to substantially comply with the case plan may result in the termination of parental rights, and that a material failure to substantially comply may result in the filing of a petition for termination of parental rights sooner than the compliance periods set forth in the case plan itself. The child protection team shall coordinate its effort with the case staffing committee.

(l) In the case of a child for whom the permanency plan is adoption or placement in another permanent home, documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, with a fit and willing relative, with a legal guardian, or in another planned permanent living arrangement, and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child-specific recruitment efforts such as the use of state, regional, and national adoption exchanges, including electronic exchange systems.

(4)(5) In the event that the parents, legal custodians, or caregivers are unwilling or unable to participate in the development of a case plan, the department shall document that unwillingness or inability to participate. Such documentation must be provided and provide in writing to the parent, legal custodians, or caregivers when available for the court record, and then the department shall prepare a case plan conforming as nearly as possible with the requirements set forth in this section. The unwillingness or inability of the parents, legal custodians, or caregivers to participate in the development of a case plan shall not in itself bar the filing of a petition for dependency or for termination of parental rights. The parents, legal custodians, or caregivers, if available, must be provided a copy of the case plan and be advised that they may, at any time prior to the filing of a petition for termination of parental rights, enter into a case plan and that they may request judicial review of any provision of the case plan with which they disagree at any court review hearing set for the child.

(5)(6) The services delineated in the case plan must be designed to improve the conditions in the family home and aid in maintaining the child in the home, to facilitate the safe return of the child to the family home, or to facilitate the permanent placement of the child. The service intervention must be the least intrusive possible into the life of the family, must focus on clearly defined objectives, and must provide the most efficient path to quick

reunification or permanent placement, with the child's health and safety being paramount. To the extent possible, the service intervention must be grounded in outcome evaluation results that demonstrate success in the reunification or permanent placement process. In designing service interventions, generally recognized standards of the professions involved in the process must be taken into consideration.

(6) After jurisdiction attaches, all case plans must be filed with the court and a copy provided to the parents, caregivers, or legal custodians of the child, to the representative of the guardian ad litem program if the program has been appointed, and to all other parties, not less than 72 hours before the disposition hearing. All such case plans must be approved by the court. The department shall also file with the court all case plans prepared before jurisdiction of the court attached. If the court does not accept the case plan, the court shall require the parties to make necessary modifications to the plan. An amended plan must be submitted to the court for review and approval within 30 days after the hearing on the case plan.

39.451—Case planning for children in foster care.—

~~(1) In presenting the case plan to the court, the purpose of a case plan is to ensure permanency for children through recording the actions to be taken by the parties involved in order to quickly assure the safe return of the child to the parents or, if this is not possible, the termination of parental rights and the placement of the child with the department or a licensed child-placing agency for the purpose of finding a permanent adoptive home. Permanent adoptive placement is the primary permanency goal when a child is permanently placed with the department or a licensed child-placing agency. If it is not possible to find a permanent adoptive home, the case plan must record the actions taken for preparing the child for alternative permanency goals or placements such as long-term foster care or independent living.~~

~~(7)(2) The case plan must be limited to as short a period as possible for the accomplishment of its provisions. Unless extended under s. 39.453(8), the plan expires no later than 12 18 months after the date the child was initially removed from the home or the date the case plan was accepted by the court, whichever comes first.~~

~~(8)(3) The case plan must meet applicable federal and state requirements as provided in s. 39.4031.~~

~~(9)(4)(a) In each case in which the custody of a child has been vested, either voluntarily or involuntarily, in the department and the child has been placed in out-of-home foster care, a case plan must be prepared within 60 30 days after the department removes the child from the home, and shall be submitted to the court before the disposition hearing, with a hearing scheduled for the court to review and accept or modify the plan within an additional 30 days. If the preparation of a case plan, in conference with the parents and other pertinent parties, cannot be completed before the disposition hearing accomplished within 30 days, for good cause shown, the court may grant an extension not to exceed 30 days and set a hearing to review and accept the case plan.~~

(b) The parent or parents, legal custodians, or caregivers may receive assistance from any person, or social service agency in the preparation of the case plan.

(c) The social service agency, the department, and the court, when applicable, shall inform the parent or parents, legal custodians, or caregivers of the right to receive such assistance, including the right to assistance of counsel.

(d)(e) Before the signing of the case plan, the authorized agent of the department shall explain it to all persons involved in its implementation, including, when appropriate, the child.

(e)(d) After the case plan has been agreed upon and signed by the parties involved, a copy of the plan must be given immediately to the ~~natural~~ parents, the department or agency, the foster parents or caregivers, the legal custodian, the caregiver, the representative of the guardian ad litem program if the program is appointed, and any other parties identified by the court, including the child, if appropriate.

(f)(e) The case plan may be amended at any time if all parties are in agreement regarding the revisions to the plan and the plan is submitted to the court with a memorandum of explanation. The case plan may also be amended by the court or upon motion of any party at a hearing, based on competent evidence demonstrating the need for the amendment. A copy of the amended plan must be immediately given to the parties specified in paragraph (e)(d).

~~(5) The case plan must be submitted to the court and all parties for review and acceptance or modification at least 72 hours prior to a court hearing. If the court does not accept any of the requirements of the case plan, the court shall require the parties to make necessary modifications to the plan. An amended plan must be submitted to the court for review and approval within a time certain specified by the court.~~

(10)(6) A case plan must be prepared, but need not be submitted to the court, for a child who will be in care no longer than 30 days unless that child is placed in out-of-home foster care a second time within a 12-month period.

Section 75. Subsections (1), (2), (3), and (4) of section 39.452, Florida Statutes, are renumbered as section 39.602, Florida Statutes, and amended to read:

39.602 ~~39.452~~ Case planning when parents, legal custodians, or caregivers do not participate and the child is in out-of-home foster care.—

(1)(a) In the event the parents, legal custodians, or caregivers will not or cannot participate in preparation of a case plan, the department shall submit a full explanation of the circumstances and a plan for the permanent placement of the child to the court within 30 days after the child has been removed from the home and placed in temporary foster care and schedule a court hearing within 30 days after submission of the plan to the court to review and accept or modify the plan. If preparation cannot be accomplished

~~within 30 days, for good cause shown, the court may grant extensions not to exceed 15 days each for the filing, the granting of which shall be for similar reason to that contained in s. 39.451(4)(a).~~

~~(b) In the full explanation of the circumstances submitted to the court, the department shall state the nature of its efforts to secure such persons' parental participation in the preparation of a case plan.~~

(2) In a case in which the physical, emotional, or mental condition or physical location of the parent is the basis for the parent's nonparticipation, it is the burden of the department to provide substantial evidence to the court that such condition or location has rendered the parent unable or unwilling to participate in the preparation of a case plan, either pro se or through counsel. The supporting documentation must be submitted to the court at the time the plan is filed.

(3) The plan must include, but need not be limited to, the specific services to be provided by the department, the goals and plans for the child, and the time for accomplishing the provisions of the plan and for accomplishing permanence for the child.

(4)(a) At least 72 Seventy-two hours prior to the filing of a plan, all parties each parent must be provided with a copy of the plan developed by the department. If the location of one or both parents is unknown, this must be documented in writing and included in the plan submitted to the court. After the filing of the plan, if the location of an absent parent becomes known, that parent must be served with a copy of the plan.

(b) Before the filing of the plan, the department shall advise each parent, both orally and in writing, that the failure of the parents to substantially comply with a plan ~~which has reunification as its primary goal~~ may result in the termination of parental rights, but only after notice and hearing as provided in this chapter part VI. If, after the plan has been submitted to the court, an absent parent is located, the department shall advise the parent, both orally and in writing, that the failure of the parents to substantially comply with a plan ~~which has reunification as its goal~~ may result in termination of parental rights, but only after notice and hearing as provided in this chapter part VI. Proof of written notification must be filed with the court.

Section 76. Subsection (5) of section 39.452, Florida Statutes, is renumbered as section 39.603, Florida Statutes, and amended to read:

39.603 ~~39.452~~ Court approvals of case planning when parents do not participate and the child is in foster care.—

~~(5)(a) The court shall set a hearing, with notice to all parties, on the plan or any provisions of the plan, within 30 days after the plan has been received by the court. If the location of a parent is unknown, the notice must be directed to the last permanent address of record.~~

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

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

~~(b)2.~~ If the plan is consistent with previous orders of the court placing the child in care.

~~(c)3.~~ If the plan is consistent with the requirements for the content of a plan as specified in this chapter subsection (3).

~~(d)4.~~ In involuntary placements, whether each parent was notified of the right to counsel at each stage of the dependency proceedings, in accordance with the Florida Rules of Juvenile Procedure.

~~(e)5.~~ Whether each parent whose location was known was notified of the right to participate in the preparation of a case plan and of the right to receive assistance from any other person in the preparation of the case plan.

~~(f)6.~~ Whether the plan is meaningful and designed to address facts and circumstances upon which the court based the finding of dependency in involuntary placements or the plan is meaningful and designed to address facts and circumstances upon which the child was placed in out-of-home foster care voluntarily.

~~(2)(c)~~ When the court determines any of the elements considered at the hearing related to the plan have not been met, the court shall require the parties to make necessary amendments to the plan. The amended plan must be submitted to the court for review and approval within a time certain specified by the court. A copy of the amended plan must also be provided to each parent, if the location of the parent is known.

~~(3)(d)~~ A parent who has not participated in the development of a case plan must be served with a copy of the plan developed by the department, if the parent can be located, at least 48 72 hours prior to the court hearing. Any parent is entitled to, and may seek, a court review of the plan prior to the initial ~~6 months~~ review and must be informed of this right by the department at the time the department serves the parent with a copy of the plan. If the location of an absent parent becomes known to the department, the department shall inform the parent of the right to a court review at the time the department serves the parent with a copy of the case plan.

Section 77. Part VIII of chapter 39, Florida Statutes, consisting of sections 39.701, 39.702, 39.703, and 39.704, Florida Statutes, shall be entitled to read:

PART VIII
JUDICIAL REVIEWS

Section 78. Section 39.453, Florida Statutes, is renumbered as section 39.701, Florida Statutes, and amended to read:

39.701 ~~39.453~~ Judicial review.—

(1)(a) The court shall have continuing jurisdiction in accordance with this section and shall review the status of the child as required by this subsection or more frequently if the court deems it necessary or desirable.

(b) The court shall retain jurisdiction over a child returned to its parents, caregivers, or legal guardians for a period of 6 months, but, at that time, based on a report of the social service agency and the guardian ad litem, if one has been appointed, and any other relevant factors, the court shall make a determination as to whether its jurisdiction shall continue or be terminated.

~~(c) After termination of parental rights, the court shall retain jurisdiction over any child for whom custody is given to a social service agency until the child is adopted. The jurisdiction of the court after termination of parental rights and custody is given to the agency is for the purpose of reviewing the status of the child and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for good cause shown by the guardian ad litem for the child, the court may review the appropriateness of the adoptive placement of the child.~~

(2)(a) The court shall review the status of the child and shall hold a hearing as provided in this part subsection (7). The court may dispense with the attendance of the child at the hearing, but may not dispense with the hearing or the presence of other parties to the review unless before the review a hearing is held before a citizen review panel.

~~(b) Citizen review panels may be established under s. 39.4531 to conduct hearings to a review of the status of a child. The court shall select the cases appropriate for referral to the citizen review panels and may order the attendance of the parties at the review panel hearings. However, any party may object to the referral of a case to a citizen review panel. Whenever such an objection has been filed with the court, the court shall review the substance of the objection and may conduct the review itself or refer the review to a citizen review panel. All parties retain the right to take exception to the findings or recommended orders of a citizen review panel in accordance with Rule 1.490(h), Florida Rules of Civil Procedure.~~

~~(c) Notice of a hearing by a citizen review panel must be provided as set forth in subsection (5). At the conclusion of a citizen review panel hearing, each party may propose a recommended order to the chairperson of the panel. Thereafter, the citizen review panel shall submit its report, copies of the proposed recommended orders, and a copy of the panel's recommended order to the court. The citizen review panel's recommended order must be limited to the dispositional options available to the court in subsection (8). Each party may file exceptions to the report and recommended order of the citizen review panel in accordance with Rule 1.490, Florida Rules of Civil Procedure.~~

~~(3)(a) The initial judicial review must be held no later than 90 days after the date of the disposition hearing or after the date of the hearing at which the court approves the case plan, but in no event shall the review be held~~

~~later than 6 months after the date the child was removed from the home. Citizen review panels shall not conduct more than two consecutive reviews without the child and the parties coming before the court for a judicial review. If the child remains in shelter or foster care, subsequent judicial reviews must be held at least every 6 months after the date of the most recent judicial review until the child is 13 years old and has been in foster care at least 18 months.~~

(b) If the court extends any the case plan beyond ~~12~~ 18 months, judicial reviews must be held at least every 6 months ~~for children under the age of 13 and at least annually for children age 13 and older.~~

(c) If the child is placed in the custody of the department or a licensed child-placing agency for the purpose of adoptive placement, judicial reviews must be held at least every 6 months until adoptive placement, to determine the appropriateness of the current placement and the progress made toward adoptive placement.

(d) If the department and the court have established a formal agreement that includes specific authorization for particular cases, the department may conduct administrative reviews instead of the judicial reviews for children in out-of-home foster care. Notices of such administrative reviews must be provided to all parties. However, an administrative review may not be substituted for the first judicial review, and in every case the court must conduct a judicial review at least every ~~6~~ 12 months. Any party dissatisfied with the results of an administrative review may petition for a judicial review.

(e) The clerk of the circuit court shall schedule judicial review hearings in order to comply with the mandated times cited in this section ~~paragraphs (a)-(d).~~

(f) In each case in which a child has been voluntarily placed with the licensed child-placing agency, the agency shall notify the clerk of the court in the circuit where the child resides of such placement within 5 working days. Notification of the court is not required for any child who will be in out-of-home foster care no longer than 30 days unless that child is placed in out-of-home foster care a second time within a 12-month period. If the child is returned to the custody of the parents, caregiver, or legal custodian or guardian before the scheduled review hearing or if the child is placed for adoption, the child-placing agency shall notify the court of the child's return or placement within 5 working days, and the clerk of the court shall cancel the review hearing.

(4) The court shall schedule the date, time, and location of the next judicial review in the judicial review order. The social service agency shall file a petition for review with the court within 10 calendar days after the judicial review hearing. The petition must include a statement of the dispositional alternatives available to the court. The petition must accompany the notice of the hearing served upon persons specified in subsection (5).

(5) Notice of a judicial review hearing or a citizen review panel ~~the hearing,~~ and a copy of the motion for judicial review ~~petition,~~ including a state-

ment of the dispositional alternatives available to the court, must be served by the court upon:

(a) The social service agency charged with the supervision of care, custody, or guardianship of the child, if that agency is not the movant petitioner.

(b) The foster parent or parents or caregivers caretakers in whose home the child resides.

(c) The parent, caregiver, or legal custodian guardian, or relative from whom the care and custody of the child have been transferred.

(d) The guardian ad litem for the child, or the representative of the guardian ad litem program if the program ~~one~~ has been appointed.

(e) Any preadoptive parent.

(f)(e) Such other persons as the court may in its discretion direct.

(6)(a) Prior to every judicial review hearing or citizen review panel hearing, the social service agency shall make an investigation and social study concerning all pertinent details relating to the child and shall furnish to the court or citizen review panel a written report that includes, but is not limited to:

1. A description of the type of placement the child is in at the time of the hearing, including the safety of the child and the continuing necessity for and appropriateness of the placement.

2. Documentation of the diligent efforts made by all parties to the case plan to comply with each applicable provision of the plan.

3. The amount of fees assessed and collected during the period of time being reported.

4. The services provided to the foster family or caregivers caretakers in an effort to address the needs of the child as indicated in the case plan.

5. A statement that concerning whether the parent or legal custodian guardian, though able to do so, did not comply substantially with the provisions of the case plan and the agency recommendations or a statement that the parent or legal custodian guardian did substantially comply with such provisions.

6. A statement from the foster parent or parents or caregivers caretakers providing any material evidence concerning the return of the child to the parent or parents or legal custodians.

7. A statement concerning the frequency, duration, and results of the parent-child visitation, if any, and the agency recommendations for an expansion or restriction of future visitation.

8. The number of times a child has been removed from his or her home and placed elsewhere, the number and types of placements that have occurred, and the reason for the changes in placement.

9. The number of times a child's educational placement has been changed, the number and types of educational placements which have occurred, and the reason for any change in placement.

(b) A copy of the social service agency's written report must be provided to the attorney of record of the parent, parents, or legal custodians guardian; to the parent, parents, or legal custodians guardian; to the foster parents or caregivers caretakers; to each citizen review panel ~~established under s. 39.4531~~; and to the guardian ad litem for the child, or the representative of the guardian ad litem program if the program one has been appointed by the court, at least 48 hours before the judicial review hearing, or citizen review panel hearing ~~if such a panel has been established under s. 39.4531~~. The requirement for providing parents or legal custodians guardians with a copy of the written report does not apply to those parents or legal custodians guardians who have voluntarily surrendered their child for adoption.

(c) In a case in which the child has been permanently placed with the social service agency, the agency shall furnish to the court a written report concerning the progress being made to place the child for adoption. ~~If, as stated in s. 39.451(1),~~ the child cannot be placed for adoption, a report on the progress made by the child in alternative permanency goals or placements, including, but not limited to, long-term foster care, independent living, custody to a relative or caregiver adult nonrelative approved by the court on a permanent basis with or without legal guardianship, or custody to a foster parent or caregiver on a permanent basis with or without legal guardianship, must be submitted to the court. The report must be submitted to the court at least 48 hours before each scheduled judicial review.

(d) In addition to or in lieu of any written statement provided to the court, the foster parent or caregivers, or any preadoptive parent, caretakers shall be given the opportunity to address the court with any information relevant to the best interests of the child at any judicial review hearing.

(7) The court, and any citizen review panel ~~established under s. 39.4531~~, shall take into consideration the information contained in the social services study and investigation and all medical, psychological, and educational records that support the terms of the case plan; testimony by the social services agency, the parent or legal custodian guardian, the foster parent or caregivers caretakers, the guardian ad litem if one has been appointed for the child, and any other person deemed appropriate; and any relevant and material evidence submitted to the court, including written and oral reports to the extent of their probative value. In its deliberations, the court, and any citizen review panel ~~established under s. 39.4531~~, shall seek to determine:

(a) If the parent or legal custodian guardian was advised of the right to receive assistance from any person or social service agency in the preparation of the case plan.

(b) If the parent or legal custodian guardian has been advised of the right to have counsel present at the judicial review or citizen review hearings. If not so advised, the court or citizen review panel shall advise the parent or legal custodian guardian of such right.

(c) If a guardian ad litem needs to be appointed for the child in a case in which a guardian ad litem has not previously been appointed or if there is a need to continue a guardian ad litem in a case in which a guardian ad litem has been appointed.

(d) The compliance or lack of compliance of all parties with applicable items of the case plan, including the parents' compliance with child support orders.

(e) The compliance or lack of compliance with a visitation contract between the parent, caregiver, or legal custodian ~~or guardian~~ and the social service agency for contact with the child, including the frequency, duration, and results of the parent-child visitation and the reason for any noncompliance.

(f) The compliance or lack of compliance of the parent, caregiver, or legal custodian ~~or guardian~~ in meeting specified financial obligations pertaining to the care of the child, including the reason for failure to comply if such is the case.

(g) The appropriateness of the child's current placement, including whether the child is in a setting which is as family-like and as close to the parent's home as possible, consistent with the child's best interests and special needs, and including maintaining stability in the child's educational placement.

(h) A projected date likely for the child's return home or other permanent placement.

(i) When appropriate, the basis for the unwillingness or inability of the parent, caregiver, or legal custodian ~~or guardian~~ to become a party to a case plan. The court and the citizen review panel shall determine if ~~the nature of the location or the condition of the parent and~~ the efforts of the social service agency to secure party parental participation in a case plan were sufficient.

(8)(a) Based upon the criteria set forth in subsection (7) and the recommended order of the citizen review panel, if any established under s. 39.4531, the court shall determine whether or not the social service agency shall initiate proceedings to have a child declared a dependent child, return the child to the parent, legal custodian, or caregiver, continue the child in out-of-home foster care for a specified period of time, or initiate termination of parental rights proceedings for subsequent placement in an adoptive home. Modifications to the plan must be handled as prescribed in s. 39.601 39.451. If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home or be safely returned to the home, the court shall allow the child to remain in or return to the home after making a specific finding of fact that the reasons for removal have been remedied to the extent that the child's safety, and well-being, and physical, mental, and emotional health will not be endangered.

(b) The court shall return the child to the custody of the parents, legal custodians, or caregivers at any time it determines that they have substan-

tially complied with the plan, if the court is satisfied that reunification will not be detrimental to the child's safety, and well-being, and physical, mental, and emotional health.

(c) If, in the opinion of the court, the social service agency has not complied with its obligations as specified in the written case plan, the court may find the social service agency in contempt, shall order the social service agency to submit its plans for compliance with the agreement, and shall require the social service agency to show why the child could should not safely be returned immediately to the home of the parents, legal custodians, or caregivers ~~or legal guardian.~~

(d) The court may extend the time limitation of the case plan, or may modify the terms of the plan, based upon information provided by the social service agency, and the guardian ad litem, if one has been appointed, the ~~natural~~ parent or parents, and the foster parents, and any other competent information on record demonstrating the need for the amendment. If the court extends the time limitation of the case plan, the court must make specific findings concerning the frequency of past parent-child visitation, if any, and the court may authorize the expansion or restriction of future visitation. Modifications to the plan must be handled as prescribed in s. ~~39.601~~ 39.451. Any extension of a case plan must comply with the time requirements and other requirements specified by this chapter part.

(e) If, at any judicial review, the court finds that the parents have failed to substantially comply with the case plan to the degree that further reunification efforts are without merit and not in the best interest of the child, it may authorize the filing of a petition for termination of parental rights, whether or not the time period as contained in the case plan for substantial compliance has elapsed.

(f) No later than 12 months after the date that the child was placed in shelter care, the court shall conduct a judicial review. At this hearing, if the child is not returned to the physical custody of the parents, caregivers, or legal custodians, the case plan may be extended with the same goals only if the court finds that the situation of the child is so extraordinary that the plan should be extended. The case plan must document steps the department is taking to find an adoptive parent or other permanent living arrangement for the child. If, at the time of the 18-month judicial review or citizen review, the child is not returned to the physical custody of the natural parents, the case plan may be extended only if, at the time of the judicial review or citizen review, the court finds that the situation of the child is so extraordinary that the plan should be extended. The extension must be in accordance with subsection (3).

(g) The court may issue a protective order in assistance, or as a condition, of any other order made under this part. In addition to the requirements included in the case plan, the protective order may set forth requirements relating to reasonable conditions of behavior to be observed for a specified period of time by a person or agency who is before the court; and such order may require any such person or agency to make periodic reports to the court containing such information as the court in its discretion may prescribe.

Section 79. Section 39.4531, Florida Statutes, is renumbered as section 39.702, Florida Statutes, and amended to read:

39.702 ~~39.4531~~ Citizen review panels.—

(1) Citizen review panels may be established in each judicial circuit and shall be authorized by an administrative order executed by the chief judge of each circuit. The court shall administer an oath of office to each citizen review panel member which shall authorize the panel member to participate in citizen review panels and make recommendations to the court pursuant to the provisions of this section.

(2) Citizen review panels shall be administered by an independent not-for-profit agency. For the purpose of this section, an organization that has filed for nonprofit status under the provisions of s. 501(c)(3) of the United States Internal Revenue Code is an independent not-for-profit agency for a period of 1 year after the date of filing. At the end of that 1-year period, in order to continue conducting citizen reviews, the organization must have qualified for nonprofit status under s. 501(c)(3) of the United States Internal Revenue Code and must submit to the chief judge of the circuit court a consumer's certificate of exemption that was issued to the organization by the Florida Department of Revenue and a report of the organization's progress. If the agency has not qualified for nonprofit status, the court must rescind its administrative order that authorizes the agency to conduct citizen reviews. All independent not-for-profit agencies conducting citizen reviews must submit citizen review annual reports to the court.

(3) For the purpose of this section, a citizen review panel shall be composed of five volunteer members and shall conform with the requirements of this ~~chapter section~~. The presence of three members at a panel hearing shall constitute a quorum. Panel members shall serve without compensation.

~~(4)~~(3) Based on the information provided to each citizen review panel pursuant to s. 39.701 ~~39.453~~, each citizen review panel shall provide the court with a report and recommendations regarding the placement and dispositional alternatives the court shall consider before issuing a judicial review order.

~~(5)~~(4) The ~~An~~ independent not-for-profit agency authorized to administer each citizen review panel shall:

(a) In collaboration with the department, develop policies to assure that citizen review panels comply with all applicable state and federal laws.

(b) Establish policies for the recruitment, selection, retention, and terms of volunteer panel members. Final selection of citizen review panel members shall, to the extent possible, reflect the multicultural composition of the community which they serve. A criminal background check and personal reference check shall be conducted on each citizen review panel member prior to the member serving on a citizen review panel.

(c) In collaboration with the department, develop, implement, and maintain a training program for citizen review volunteers and provide training

for each panel member prior to that member serving on a review panel. Such training may include, but shall not be limited to, instruction on dependency laws, departmental policies, and judicial procedures.

(d) Ensure that all citizen review panel members have read, understood, and signed an oath of confidentiality relating to ~~the citizen review hearings~~ and written or verbal information provided to the panel members for review hearings.

(e) Establish policies to avoid actual or perceived conflicts of interest by panel members during the review process and to ensure accurate, fair reviews of each child dependency case.

(f) Establish policies to ensure ongoing communication with the department and the court.

(g) Establish policies to ensure adequate communication with the parent, caregiver, or legal custodian ~~or guardian~~, the foster parent or caregiver, the guardian ad litem, and any other person deemed appropriate.

(h) Establish procedures that encourage attendance and participation of interested persons and parties, including the biological parents, foster parents or caregivers, or a relative or nonrelative with whom the child is placed, at citizen review hearings.

(i) Coordinate with existing citizen review panels to ensure consistency of operating procedures, data collection, ~~and~~ analysis, and report generation.

(j) Make recommendations as necessary to the court concerning attendance of essential persons at the review and other issues pertinent to an effective review process.

(k) Ensure consistent methods of identifying barriers to the permanent placement of the child and delineation of findings and recommendations to the court.

~~(6)(5)~~ The department and agents of the department shall submit information to the citizen review panel when requested and shall address questions asked by the citizen review panel to identify barriers to the permanent placement of each child.

Section 80. Section 39.454, Florida Statutes, is renumbered as section 39.703, Florida Statutes, and amended to read:

39.703 ~~39.454~~ Initiation of termination of parental rights proceedings.—

(1) If, in preparation for any judicial review hearing under this ~~chapter~~ part, it is the opinion of the social service agency that the parents ~~or legal guardian~~ of the child have not complied with their responsibilities as specified in the written case plan although able to do so, the social service agency shall state its intent to initiate proceedings to terminate parental rights, unless the social service agency can demonstrate to the court that such a recommendation would not be in the child's best interests. If it is the intent

of the department or licensed child-placing agency to initiate proceedings to terminate parental rights, the department or licensed child-placing agency shall file a petition for termination of parental rights no later than 3 months after the date of the previous judicial review hearing. If the petition cannot be filed within 3 months, the department or licensed child-placing agency shall provide a written report to the court outlining the reasons for delay, the progress made in the termination of parental rights process, and the anticipated date of completion of the process.

(2) If, at the time of the ~~12-month~~ 18-month judicial review hearing, a child is not returned to the physical custody of the natural parents, caregivers, or legal custodians, the social service agency shall initiate termination of parental rights proceedings under ~~part VI~~ of this chapter within 30 days. Only if the court finds that the situation of the child is so extraordinary and that the best interests of the child will be met by such action at the time of the judicial review may the case plan be extended. If the court decides to extend the plan, the court shall enter detailed findings justifying the decision to extend, as well as the length of the extension. A termination of parental rights petition need not be filed if: the child is being cared for by a relative who chooses not to adopt the child; the court determines that filing such a petition would not be in the best interests of the child; or the state has not provided the child's family, when reasonable efforts to return a child are required, consistent with the time period in the state's case plan, such services as the state deems necessary for the safe return of the child to his or her home. Failure to initiate termination of parental rights proceedings at the time of the ~~12-month~~ 18-month judicial review or within 30 days after such review does not prohibit initiating termination of parental rights proceedings at any other time.

Section 81. Section 39.456, Florida Statutes, is renumbered as section 39.704, Florida Statutes, and amended to read:

39.704 ~~39.456~~ Exemptions from judicial review.—Judicial review This ~~part~~ does not apply to:

(1) Minors who have been placed in adoptive homes by the department or by a licensed child-placing agency; or

(2) Minors who are refugees or entrants to whom federal regulations apply and who are in the care of a social service agency; ~~or~~

~~(3) Minors who are the subjects of termination of parental rights cases pursuant to s. 39.464.~~

Section 82. Part IX of chapter 39, Florida Statutes, consisting of sections 39.801, 39.802, 39.803, 39.804, 39.805, 39.806, 39.807, 39.808, 39.809, 39.810, 39.811, 39.812, 39.813, 39.814, 39.815, 39.816, and 39.817, Florida Statutes, shall be entitled to read:

PART IX TERMINATION OF PARENTAL RIGHTS

Section 83. Sections 39.46 and 39.462, Florida Statutes, are renumbered as section 39.801, Florida Statutes, and amended to read:

39.801 ~~39.46~~ Procedures and jurisdiction; notice; service of process.—

(1) All procedures, including petitions, pleadings, subpoenas, summonses, and hearings, in termination of parental rights proceedings shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law.

(2) The circuit court shall have exclusive original jurisdiction of a proceeding involving termination of parental rights.

~~39.462—Process and services.—~~

~~(3)~~(4) Before the court may terminate parental rights, in addition to the other requirements set forth in this part, the following requirements must be met:

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

1. The parents of the child.
2. The caregivers or legal custodians ~~or guardian~~ of the child.
3. If the parents who would be entitled to notice are dead or unknown, a living relative of the child, unless upon diligent search and inquiry no such relative can be found.
4. Any person who has physical custody of the child.
5. Any grandparent entitled to priority for adoption under s. 63.0425.
6. Any prospective parent who has been identified under s. 39.503 or s. 39.803 ~~s. 39.4051 or s. 39.4625~~.
7. The guardian ad litem for the child ~~or the representative of the guardian ad litem program~~, if the program ~~one~~ has been appointed.

The document containing the notice to respond or appear must contain, in type at least as large as the type in the balance of the document, the following or substantially similar language: “FAILURE TO PERSONALLY RESPOND TO THIS NOTICE OR TO APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR THESE CHILDREN).”

(b) If a person required to be served with notice as prescribed in paragraph (a) cannot be served, notice of hearings must be given as prescribed by the rules of civil procedure, and service of process must be made as specified by law or civil actions.

(c) Notice as prescribed by this section may be waived, in the discretion of the judge, with regard to any person to whom notice must be given under this subsection if the person executes, before two witnesses and a notary

public or other officer authorized to take acknowledgments, a written surrender of the child to a licensed child-placing agency or the department.

(d) If the person served with notice under this section fails to ~~respond or~~ appear at the advisory hearing, the failure to ~~respond or~~ appear shall constitute consent for termination of parental rights by the person given notice.

~~(4)(2)~~ Upon the application of any party, the clerk or deputy clerk shall issue, and the court on its own motion may issue, subpoenas requiring the attendance and testimony of witnesses and the production of records, documents, or other tangible objects at any hearing.

~~(5)(3)~~ All process and orders issued by the court must be served or executed as other process and orders of the circuit court and, in addition, may be served or executed by authorized agents of the department or the guardian ad litem.

~~(6)(4)~~ Subpoenas may be served within the state by any person over 18 years of age who is not a party to the proceeding.

~~(7)(5)~~ A fee may not be paid for service of any process or other papers by an agent of the department or the guardian ad litem. If any process, orders, or other papers are served or executed by any sheriff, the sheriff's fees must be paid by the county.

Section 84. Sections 39.461 and 39.4611, Florida Statutes, are renumbered as section 39.802, Florida Statutes, and amended to read:

39.802 ~~39.461~~ Petition for termination of parental rights; filing; elements.—

(1) All proceedings seeking an adjudication to terminate parental rights pursuant to this chapter must be initiated by the filing of an original petition by the department, the guardian ad litem, or a licensed child-placing agency or by any other person who has knowledge of the facts alleged or is informed of them and believes that they are true.

(2) The form of the petition is governed by the Florida Rules of Juvenile Procedure. The petition must be in writing and signed by the petitioner under oath stating the petitioner's good faith in filing the petition.

(3) When a petition for termination of parental rights has been filed, the clerk of the court shall set the case before the court for an advisory hearing.

~~39.4611 Elements of petition for termination of parental rights.—~~

~~(4)(4)~~ A petition for termination of parental rights filed under this chapter must contain facts supporting the following allegations:

(a) That at least one of the grounds listed in s. 39.806 ~~39.464~~ has been met.

(b) That the parents of the child were informed of their right to counsel at all hearings that they attend and that a dispositional order adjudicating

the child dependent was entered in any prior dependency proceeding relied upon in offering a parent a case plan as described in s. ~~39.806~~ 39.464.

(c) That the manifest best interests of the child, in accordance with s. ~~39.810~~ 39.4612, would be served by the granting of the petition.

~~(5)(2)~~ When a petition for termination of parental rights is filed under s. ~~39.806(1)~~ 39.464(1), a separate petition for dependency need not be filed and the department need not offer the parents a case plan with a goal of reunification, but may instead file with the court a case plan with a goal of termination of parental rights to allow continuation of services until the termination is granted or until further orders of the court are issued.

~~(6)(3)~~ The fact that a child has been previously adjudicated dependent as alleged in a petition for termination of parental rights may be proved by the introduction of a certified copy of the order of adjudication or the order of disposition of dependency.

~~(7)(4)~~ The fact that the parent of a child was informed of the right to counsel in any prior dependency proceeding as alleged in a petition for termination of parental rights may be proved by the introduction of a certified copy of the order of adjudication or the order of disposition of dependency containing a finding of fact that the parent was so advised.

~~(8)(5)~~ Whenever the department has entered into a case plan with a parent with the goal of reunification, and a petition for termination of parental rights based on the same facts as are covered in the case plan is filed prior to the time agreed upon in the case plan for the performance of the case plan, the petitioner must allege and prove by clear and convincing evidence that the parent has materially breached the provisions of the case plan.

Section 85. Section 39.803, Florida Statutes, is created to read:

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

(1) If the identity or location of a parent is unknown and a petition for termination of parental rights is filed, the court shall conduct the following inquiry of the parent who is available, or, if no parent is available, of any relative, caregiver, or legal custodian of the child who is present at the hearing and likely to have the information:

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

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

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

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

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

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

(3) If the inquiry under subsection (1) identifies any person as a parent or prospective parent, the court shall require notice of the hearing to be provided to that person.

(4) If the inquiry under subsection (1) fails to identify any person as a parent or prospective parent, the court shall so find and may proceed without further notice.

(5) If the inquiry under subsection (1) identifies a parent or prospective parent, and that person's location is unknown, the court shall direct the department to conduct a diligent search for that person before scheduling an adjudicatory hearing regarding the dependency of the child unless the court finds that the best interest of the child requires proceeding without actual notice to the person whose location is unknown.

(6) The diligent search required by subsection (5) must include, at a minimum, inquiries of all known relatives of the parent or prospective parent, inquiries of all offices of program areas of the department likely to have information about the parent or prospective parent, inquiries of other state and federal agencies likely to have information about the parent or prospective parent, inquiries of appropriate utility and postal providers, and inquiries of appropriate law enforcement agencies.

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

(8) If the inquiry and diligent search identifies a prospective parent, that person must be given the opportunity to become a party to the proceedings by completing a sworn affidavit of parenthood and filing it with the court or the department. A prospective parent who files a sworn affidavit of parenthood while the child is a dependent child but no later than at the time of or prior to the adjudicatory hearing in the termination of parental rights proceeding for the child shall be considered a parent for all purposes under this section.

Section 86. Section 39.4627, Florida Statutes, is renumbered as section 39.804, Florida Statutes.

Section 87. Section 39.463, Florida Statutes, is renumbered as section 39.805, Florida Statutes, and amended to read:

39.805 ~~39.463~~ No answer required.—No answer to the petition or any other pleading need be filed by any child, parent, caregiver, or legal custodian, but any matters which might be set forth in an answer or other

pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of any answer or any pleading, the child or parent shall, prior to the adjudicatory hearing, be advised by the court of the right to counsel and shall be given an opportunity to deny the allegations in the petition for termination of parental rights or to enter a plea to allegations in the petition before the court.

Section 88. Section 39.464, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is renumbered as section 39.806, Florida Statutes, and amended to read:

39.806 ~~39.464~~ Grounds for termination of parental rights.—

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

(a) When the parent or parents voluntarily executed a written surrender of the child and consented to the entry of an order giving custody of the child to the department or to a licensed child-placing agency for subsequent adoption and the department or licensed child-placing agency is willing to accept custody of the child.

1. The surrender document must be executed before two witnesses and a notary public or other person authorized to take acknowledgments.

2. The surrender and consent may be withdrawn after acceptance by the department or licensed child-placing agency only after a finding by the court that the surrender and consent were obtained by fraud or duress.

(b) When the identity or location of the parent or parents is unknown and, ~~if the court requires a diligent search pursuant to s. 39.4625,~~ cannot be ascertained by diligent search as ~~provided in s. 39.4625~~ within 90 days.

(c) When the parent or parents engaged in conduct toward the child or toward other children that demonstrates that the continuing involvement of the parent or parents in the parent-child relationship threatens the life, safety or well-being, or physical, mental, or emotional health of the child irrespective of the provision of services. Provision of services may be is evidenced by proof that services were provided through a previous plan or offered as a case plan from a child welfare agency.

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

1. The period of time for which the parent is expected to be incarcerated will constitute a substantial portion of the period of time before the child will attain the age of 18 years;

2. The incarcerated parent has been determined by the court to be a violent career criminal as defined in s. 775.084, a habitual violent felony offender as defined in s. 775.084, or a sexual predator as defined in s. 775.21;

has been convicted of first degree or second degree murder in violation of s. 782.04 or a sexual battery that constitutes a capital, life, or first degree felony violation of s. 794.011; or has been convicted of an offense in another jurisdiction which is substantially similar to one of the offenses listed in this paragraph. As used in this section, the term “substantially similar offense” means any offense that is substantially similar in elements and penalties to one of those listed in this paragraph, and that is in violation of a law of any other jurisdiction, whether that of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction; and

3. The court determines by clear and convincing evidence that continuing the parental relationship with the incarcerated parent would be harmful to the child and, for this reason, that termination of the parental rights of the incarcerated parent is in the best interest of the child.

(e)(f) A petition for termination of parental rights may also be filed when a child has been adjudicated dependent, a case plan has been filed with the court, and the child continues to be abused, neglected, or abandoned by the parents. In this case, the failure of the parents to substantially comply for a period of 12 months after an adjudication of the child as a dependent child constitutes evidence of continuing abuse, neglect, or abandonment unless the failure to substantially comply with the case plan was due either to the lack of financial resources of the parents or to the failure of the department to make reasonable efforts to reunify the family. Such 12-month period may begin to run only after the entry of a disposition order placing the custody of the child with the department or a person other than the parent and the approval by subsequent filing with the court of a case plan with a goal of reunification with the parent.

(f)(e) When the parent or parents engaged in egregious conduct or had the opportunity and capability to prevent and knowingly failed to prevent egregious conduct that threatens the life, safety, or physical, mental, or emotional health that endangers the life, health, or safety of the child or the child’s sibling or had the opportunity and capability to prevent egregious conduct that threatened the life, health, or safety of the child or the child’s sibling and knowingly failed to do so.

1. As used in this subsection, the term “sibling” means another child who resides with or is cared for by the parent or parents regardless of whether the child is related legally or by consanguinity.

2. As used in this subsection, the term “egregious conduct abuse” means abuse, abandonment, neglect, or any other conduct of the parent or parents that is deplorable, flagrant, or outrageous by a normal standard of conduct. Egregious conduct abuse may include an act or omission that occurred only once but was of such intensity, magnitude, or severity as to endanger the life of the child.

(g) When the parent or parents have subjected the child to aggravated child abuse as defined in s. 827.03, sexual battery or sexual abuse as defined in s. 39.01, or chronic abuse.

(h) When the parent or parents have committed murder or voluntary manslaughter of another child of the parent, or a felony assault that results in serious bodily injury to the child or another child of the parent, or aided or abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter or felony assault.

(i) When the parental rights of the parent to a sibling have been terminated involuntarily.

(2) Reasonable efforts to preserve and reunify families shall not be required if a court of competent jurisdiction has determined that any of the events described in paragraphs (1)(e)-(i) have occurred.

(3)(2) When a petition for termination of parental rights is filed under subsection (1), a separate petition for dependency need not be filed and the department need not offer the parents a case plan with a goal of reunification, but may instead file with the court a case plan with a goal of termination of parental rights to allow continuation of services until the termination is granted or until further orders of the court are issued.

(4) When an expedited termination of parental rights petition is filed, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

Section 89. Section 39.465, Florida Statutes, is renumbered as section 39.807, Florida Statutes, and amended to read:

39.807 ~~39.465~~ Right to counsel; guardian ad litem.—

(1)(a) At each stage of the proceeding under this part, the court shall advise the parent, ~~guardian, or custodian~~ of the right to have counsel present. The court shall appoint counsel for indigent ~~insolvent~~ persons. The court shall ascertain whether the right to counsel is understood and, where appropriate, is knowingly and intelligently waived. The court shall enter its findings in writing with respect to the appointment or waiver of counsel for indigent ~~insolvent~~ parties.

(b) Once counsel has been retained or, in appropriate circumstances, appointed to represent the parent of the child, the attorney shall continue to represent the parent throughout the proceedings or until the court has approved discontinuing the attorney-client relationship. If the attorney-client relationship is discontinued, the court shall advise the parent of the right to have new counsel retained or appointed for the remainder of the proceedings.

(c)(b)1. No waiver of counsel may be accepted if it appears that the parent, ~~guardian, or custodian~~ is unable to make an intelligent and understanding choice because of mental condition, age, education, experience, the nature or complexity of the case, or other factors.

2. A waiver of counsel made in court must be of record. A waiver made out of court must be in writing with not less than two attesting witnesses

and must be filed with the court. The witnesses shall attest to the voluntary execution of the waiver.

3. If a waiver of counsel is accepted at any stage of the proceedings, the offer of assistance of counsel must be renewed by the court at each subsequent stage of the proceedings at which the parent, guardian, or custodian appears without counsel.

~~(d)~~(e) This subsection does not apply to any parent who has voluntarily executed a written surrender of the child and consent to the entry of a court order therefor and who does not deny the allegations of the petition.

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

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

1. To investigate the allegations of the petition and any subsequent matters arising in the case and, unless excused by the court, to file a written report. This report must include a statement of the wishes of the child and the recommendations of the guardian ad litem and must be provided to all parties and the court at least 48 hours before the disposition hearing.

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

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

~~4. To perform such other duties and undertake such other responsibilities as the court may direct.~~

(c) A guardian ad litem is not required to post bond but shall file an acceptance of the office.

(d) A guardian ad litem is entitled to receive service of pleadings and papers as provided by the Florida Rules of Juvenile Procedure.

(e) This subsection does not apply to any voluntary relinquishment of parental rights proceeding.

Section 90. Section 39.466, Florida Statutes, is renumbered as section 39.808, Florida Statutes, and amended to read:

39.808 ~~39.466~~ Advisory hearing; pretrial status conference.—

(1) An advisory hearing on the petition to terminate parental rights must be held as soon as possible after all parties have been served with a copy of the petition and a notice of the date, time, and place of the advisory hearing for the petition.

(2) At the hearing the court shall inform the parties of their rights under s. ~~39.807~~ ~~39.465~~, shall appoint counsel for the parties in accordance with legal requirements, and shall appoint a guardian ad litem to represent the interests of the child if one has not already been appointed.

(3) The court shall set a date for an adjudicatory hearing to be held within 45 days after the advisory hearing, unless all of the necessary parties agree to some other hearing date.

(4) An advisory hearing may not be held if a petition is filed seeking an adjudication voluntarily to terminate parental rights. Adjudicatory hearings for petitions for voluntary termination must be held within 21 days after the filing of the petition. Notice of the use of this subsection must be filed with the court at the same time as the filing of the petition to terminate parental rights.

(5) Not less than 10 days before the adjudicatory hearing, the court shall conduct a prehearing status conference to determine the order in which each party may present witnesses or evidence, the order in which cross-examination and argument shall occur, and any other matters that may aid in the conduct of the adjudicatory hearing to prevent any undue delay in the conduct of the adjudicatory hearing.

Section 91. Section 39.467, Florida Statutes, is renumbered as section 39.809, Florida Statutes, and subsections (1) and (4) of said section are amended to read:

39.809 ~~39.467~~ Adjudicatory hearing.—

(1) In a hearing on a petition for termination of parental rights, the court shall consider the elements required for termination ~~as set forth in s. 39.4611~~. Each of these elements must be established by clear and convincing evidence before the petition is granted.

(4) All hearings involving termination of parental rights are confidential and closed to the public. Hearings involving more than one child may be held simultaneously when the children involved are related to each other or were involved in the same case. The child and the parents ~~or legal custodians~~ may be examined separately and apart from each other.

Section 92. Section 39.4612, Florida Statutes, is renumbered as section 39.810, Florida Statutes, and subsection (3) of said section is amended to read:

39.810 ~~39.4612~~ Manifest best interests of the child.—In a hearing on a petition for termination of parental rights, the court shall consider the manifest best interests of the child. This consideration shall not include a comparison between the attributes of the parents and those of any persons providing a present or potential placement for the child. For the purpose of determining the manifest best interests of the child, the court shall consider and evaluate all relevant factors, including, but not limited to:

(3) The capacity of the parent or parents to care for the child to the extent that the child's safety, well-being, and physical, mental, and emotional health ~~and well-being~~ will not be endangered upon the child's return home.

Section 93. Section 39.469, Florida Statutes, is renumbered as section 39.811, Florida Statutes, and amended to read:

39.811 ~~39.469~~ Powers of disposition; order of disposition.—

(1) If the court finds that the grounds for termination of parental rights have not been established by clear and convincing evidence, the court shall:

(a) If grounds for dependency have been established, adjudicate or readjudicate the child dependent and:

1. Enter an order placing or continuing the child in out-of-home foster care under a case plan; or

2. Enter an order returning the child to the parent or parents. The court shall retain jurisdiction over a child returned to the parent or parents or ~~legal guardians~~ for a period of 6 months, but, at that time, based on a report of the social service agency and any other relevant factors, the court shall make a determination as to whether its jurisdiction shall continue or be terminated.

(b) If grounds for dependency have not been established, dismiss the petition.

(2) If the child is in out-of-home foster care custody of the department and the court finds that the grounds for termination of parental rights have been established by clear and convincing evidence, the court shall, by order, place the child in the custody of the department for the purpose of adoption or place the child in the custody of a licensed child-placing agency for the purpose of adoption.

(3) If the child is in the custody of one parent and the court finds that the grounds for termination of parental rights have been established for the remaining parent by clear and convincing evidence, the court shall enter an order terminating the rights of the parent for whom the grounds have been established and placing the child in the custody of the remaining parent, granting that parent sole parental responsibility for the child.

(4) If the child is neither in the custody of the department of ~~Children and Family Services~~ nor in the custody of a parent and the court finds that the grounds for termination of parental rights have been established for either or both parents, the court shall enter an order terminating parental rights for the parent or parents for whom the grounds for termination have been established and placing the child with an appropriate custodian. If the parental rights of both parents have been terminated, or if the parental rights of only one parent have been terminated and the court makes specific findings based on evidence presented that placement with the remaining parent is likely to be harmful to the child, the court may order that the child be placed with a custodian other than the department after hearing evidence of the suitability of such intended placement. Suitability of the intended placement includes the fitness and capabilities of the proposed intended placement, ~~with primary consideration being given to the welfare of the child; the fitness and capabilities of the proposed custodian to function as the primary caregiver caretaker~~ for a particular child; and the compatibility of the child with the home in which the child is intended to be placed. If the court orders that a child be placed with a custodian under this subsection,

the court shall appoint such custodian as the guardian for the child as provided in s. 744.3021. The court may modify the order placing the child in the custody of the custodian and revoke the guardianship established under s. 744.3021 if the court subsequently finds that a party to the proceeding other than a parent whose rights have been terminated has shown a material change in circumstances which causes the placement to be no longer in the best interest of the child.

(5) If the court terminates parental rights, the court shall enter a written order of disposition briefly stating the facts upon which its decision to terminate the parental rights is made. An order of termination of parental rights, whether based on parental consent or after notice served as prescribed in this part, permanently deprives the parents ~~or legal guardian~~ of any right to the child.

(6) The parental rights of one parent may be severed without severing the parental rights of the other parent only under the following circumstances:

(a) If the child has only one surviving parent;

(b) If the identity of a prospective parent has been established as unknown after sworn testimony;

(c) If the parent whose rights are being terminated became a parent through a single-parent adoption;

(d) If the protection of the child demands termination of the rights of a single parent; or

(e) If the parent whose rights are being terminated meets the criteria specified in s. ~~39.806(1)(d)~~ 39.464(1)(d).

(7)(a) The termination of parental rights does not affect the rights of grandparents unless the court finds that continued visitation is not in the best interests of the child or that such visitation would interfere with the goals of permanency planning for the child.

(b) If the court terminates parental rights, it may order that the parents or relatives of the parent whose rights are terminated be allowed to maintain some contact with the child pending adoption if the best interests of the child support this continued contact, ~~except as provided in paragraph (a)~~. If the court orders such continued contact, the nature and frequency of the contact must be set forth in written order and may be reviewed upon motion of any party, including a prospective adoptive parent if a child has been placed for adoption. If a child is placed for adoption, the nature and frequency of the contact must be reviewed by the court at the time the child is adopted.

(8) If the court terminates parental rights, it shall, in its order of disposition, provide for a hearing, to be scheduled no later than 30 days after the date of disposition, in which the department or the licensed child-placing agency shall provide to the court a plan for permanency for the child. Reasonable efforts must be made to place the child in a timely manner in

accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child. Thereafter, until the adoption of the child is finalized or the child reaches the age of 18 years, whichever occurs first, the court shall hold hearings at 6-month intervals to review the progress being made toward permanency for the child.

(9) After termination of parental rights, the court shall retain jurisdiction over any child for whom custody is given to a social service agency until the child is adopted. The court shall review the status of the child's placement and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for good cause shown by the guardian ad litem for the child, the court may review the appropriateness of the adoptive placement of the child.

Section 94. Section 39.47, Florida Statutes, is renumbered as section 39.812, Florida Statutes, and amended to read:

39.812 ~~39.47~~ Post disposition relief.—

(1) A licensed child-placing agency or the department which is given custody of a child for subsequent adoption in accordance with this chapter may place the child in a family home for prospective subsequent adoption and the licensed child-placing agency or the department may thereafter become a party to any proceeding for the legal adoption of the child and appear in any court where the adoption proceeding is pending and consent to the adoption; and that consent alone shall in all cases be sufficient.

(2) In any subsequent adoption proceeding, the parents ~~and legal guardian~~ shall not be entitled to any notice thereof, nor shall they be entitled to knowledge at any time after the order terminating parental rights is entered of the whereabouts of the child or of the identity or location of any person having the custody of or having adopted the child, except as provided by order of the court pursuant to this chapter or chapter 63; and in any habeas corpus or other proceeding involving the child brought by any parent ~~or legal guardian~~ of the child, no agent or contract provider of the licensed child-placing agency or department shall be compelled to divulge that information, but may be compelled to produce the child before a court of competent jurisdiction if the child is still subject to the guardianship of the licensed child-placing agency or department.

(3) The entry of the custody order to the department or licensed child-placing agency shall not entitle the licensed child-placing agency or department to guardianship of the estate or property of the child, but the licensed child-placing agency or department shall be the guardian of the person of the child.

(4) The court shall retain jurisdiction over any child for whom custody is given to a licensed child-placing agency or to the department until the child is adopted. After custody of a child for subsequent adoption has been given to an agency or the department, the court has jurisdiction for the purpose of reviewing the status of the child and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for

good cause shown by the guardian ad litem for the child, the court may review the appropriateness of the adoptive placement of the child.

~~(5) The Legislature finds that children are most likely to realize their potential when they have the ability provided by good permanent families rather than spending long periods of time in temporary placements or unnecessary institutions. It is the intent of the Legislature that decisions be consistent with the child's best interests and that the department make proper adoptive placements as expeditiously as possible following a final judgment terminating parental rights.~~

Section 95. Section 39.813, Florida Statutes, is created to read:

39.813 Continuing jurisdiction.—The court which terminates the parental rights of a child who is the subject of termination proceedings pursuant to this chapter shall retain exclusive jurisdiction in all matters pertaining to the child's adoption pursuant to chapter 63.

Section 96. Section 39.471, Florida Statutes, is renumbered as section 39.814, Florida Statutes.

Section 97. Section 39.473, Florida Statutes, is renumbered as section 39.815, Florida Statutes, and subsection (1) of said section is amended to read:

39.815 ~~39.473~~ Appeal.—

(1) Any child, any parent ~~or~~, guardian ad litem, ~~or~~ legal custodian of any child, any other party to the proceeding who is affected by an order of the court, or the department may appeal to the appropriate district court of appeal within the time and in the manner prescribed by the Florida Rules of Appellate Procedure. The district court of appeal shall give an appeal from an order terminating parental rights priority in docketing and shall render a decision on the appeal as expeditiously as possible. Appointed counsel shall be compensated as provided in s. ~~39.0134~~ 39.474.

Section 98. Section 39.816, Florida Statutes, is created to read:

39.816 Authorization for pilot and demonstration projects.—

(1) Contingent upon receipt of a federal grant or contract pursuant to s. 473A(i) of the Social Security Act, 42 U.S.C. 673A(i), enacted November 19, 1997, the department is authorized to establish one or more pilot projects for the following purposes:

(a) The development of best practice guidelines for expediting termination of parental rights.

(b) The development of models to encourage the use of concurrent planning.

(c) The development of specialized units and expertise in moving children toward adoption as a permanency goal.

(d) The development of risk-assessment tools to facilitate early identification of the children who will be at risk of harm if returned home.

(e) The development of models to encourage the fast-tracking of children who have not attained 1 year of age, into preadoptive placements.

(f) The development of programs that place children into preadoptive families without waiting for termination of parental rights.

(2) Contingent upon receipt of federal authorization and funding pursuant to s. 1130(a) of the Social Security Act, 42 U.S.C. 1320a-9, enacted November 19, 1997, the department is authorized to establish one or more demonstration projects for the following purposes:

(a) Identifying and addressing barriers that result in delays to adoptive placements for children in out-of-home care.

(b) Identifying and addressing parental substance abuse problems that endanger children and result in the placement of children in out-of-home care. This purpose may be accomplished through the placement of children with their parents in residential treatment facilities, including residential treatment facilities for post-partum depression, that are specifically designed to serve parents and children together, in order to promote family reunification, and that can ensure the health and safety of the children.

(c) Addressing kinship care.

Section 99. Section 39.817, Florida Statutes, is created to read:

39.817 Foster care privatization demonstration pilot project.—A pilot project shall be established through The Ounce of Prevention Fund of Florida to contract with a private entity for a foster care privatization demonstration project. No more than 30 children with a goal of family reunification shall be accepted into the program on a no-eject-or-reject basis as identified by the department. Sibling groups shall be kept together in one placement in their own communities. Foster care parents shall be paid employees of the program. The program shall provide for public/private partnerships, community collaboration, counseling, and medical and legal assistance, as needed. For purposes of identifying measurable outcomes, the pilot project shall be located in a department district with an integrated district management which was selected as a family transition program site, has a population of less than 500,000, has a total caseload of no more than 400, with and without board payment, and has a total foster care case load of no more than 250.

Section 100. Part X of chapter 39, Florida Statutes, consisting of sections 39.820, 39.821, 39.822, 39.823, 39.824, 39.825, 39.826, 39.827, 39.828, 39.829, and 39.8295, Florida Statutes, shall be entitled to read:

PART X
GUARDIANS AD LITEM AND GUARDIAN ADVOCATES

Section 101. Section 39.820, Florida Statutes, is created to read:

39.820 Definitions.—As used in this part, the term:

(1) “Guardian ad litem” as referred to in any civil or criminal proceeding includes the following: a certified guardian ad litem program, a duly certified volunteer, a staff attorney, contract attorney, or certified pro bono attorney working on behalf of a guardian ad litem or the program; staff members of a program office; a court-appointed attorney; or a responsible adult who is appointed by the court to represent the best interests of a child in a proceeding as provided for by law, including, but not limited to, this chapter, who is a party to any judicial proceeding as a representative of the child, and who serves until discharged by the court.

(2) “Guardian advocate” means a person appointed by the court to act on behalf of a drug dependent newborn pursuant to the provisions of this part.

Section 102. Section 415.5077, Florida Statutes, is renumbered as section 39.821, Florida Statutes.

Section 103. Section 415.508, Florida Statutes, is renumbered as section 39.822, Florida Statutes, and amended to read:

39.822 ~~415.508~~ Appointment of guardian ad litem for abused, abandoned, or neglected child.—

(1) A guardian ad litem shall be appointed by the court at the earliest possible time to represent the child in any child abuse, abandonment, or neglect judicial proceeding, whether civil or criminal. Any person participating in a civil or criminal judicial proceeding resulting from such appointment shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any liability, civil or criminal, that otherwise might be incurred or imposed.

(2) In those cases in which the parents are financially able, the parent or parents of the child shall reimburse the court, in part or in whole, for the cost of provision of guardian ad litem services. Reimbursement to the individual providing guardian ad litem services shall not be contingent upon successful collection by the court from the parent or parents.

(3) The guardian ad litem or the program representative shall review all disposition recommendations and changes in placements, and must be present at all critical stages of the dependency proceeding or submit a written report of recommendations to the court.

Section 104. Section 415.5082, Florida Statutes, is renumbered as section 39.823, Florida Statutes, and amended to read:

39.823 ~~415.5082~~ Guardian advocates for drug dependent newborns.—The Legislature finds that increasing numbers of drug dependent children are born in this state. Because of the parents' continued dependence upon drugs, the parents may temporarily leave their child with a relative or other adult or may have agreed to voluntary family services under s. 39.301(8) ~~415.505(1)(e)~~. The relative or other adult may be left with a child who is likely to require medical treatment but for whom they are unable to obtain

medical treatment. The purpose of this section is to provide an expeditious method for such relatives or other responsible adults to obtain a court order which allows them to provide consent for medical treatment and otherwise advocate for the needs of the child and to provide court review of such authorization.

Section 105. Section 415.5083, Florida Statutes, is renumbered as section 39.824, Florida Statutes, and amended to read:

39.824 415.5083 Procedures and jurisdiction.—

(1) The Supreme Court is requested to adopt rules of juvenile procedure by October 1, 1989, to implement this part ss. 415.5082-415.5089. All procedures, including petitions, pleadings, subpoenas, summonses, and hearings in cases for the appointment of a guardian advocate shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law.

(2) The circuit court shall have exclusive original jurisdiction of a proceeding in which appointment of a guardian advocate is sought. The court shall retain jurisdiction over a child for whom a guardian advocate is appointed until specifically relinquished by court order.

Section 106. Section 415.5084, Florida Statutes, is renumbered as section 39.825, Florida Statutes.

Section 107. Section 415.5085, Florida Statutes, is renumbered as section 39.826, Florida Statutes.

Section 108. Section 415.5086, Florida Statutes, is renumbered as section 39.827, Florida Statutes, and amended to read:

39.827 415.5086 Hearing for appointment of a guardian advocate.—

(1) When a petition for appointment of a guardian advocate has been filed with the circuit court, the hearing shall be held within 14 days unless all parties agree to a continuance. If a child is in need of necessary medical treatment as defined in s. 39.01, the court shall hold a hearing within 24 hours.

(2) At the hearing, the parents have the right to be present, to present testimony, to call and cross-examine witnesses, to be represented by counsel at their own expense, and to object to the appointment of the guardian advocate.

(3) The hearing shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases. In a hearing on a petition for appointment of a guardian advocate, the moving party shall prove all the elements in s. 39.828 415.5087 by a preponderance of the evidence.

(4) The hearing under this section shall remain confidential and closed to the public. The clerk shall keep all court records required by this part ss. 415.5082-415.5089 separate from other records of the circuit court. All court records required by this part ss. 415.5082-415.5089 shall be confidential and exempt from the provisions of s. 119.07(1). All records shall be inspected only

upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents or custodians of the child and their attorneys and the department and its designees shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records, under whatever conditions upon their use and disposition the court may deem proper, and may punish by contempt proceedings any violation of those conditions. All information obtained pursuant to this part ss. 415.5082-415.5089 in the discharge of official duty by any judge, employee of the court, or authorized agent of the department, shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed to anyone other than the authorized personnel of the court or the department and its designees, except upon order of the court.

Section 109. Section 415.5087, Florida Statutes, is renumbered as section 39.828, Florida Statutes, and amended to read:

39.828 415.5087 Grounds for appointment of a guardian advocate.—

(1) The court shall appoint the person named in the petition as a guardian advocate with all the powers and duties specified in s. 39.829 415.5088 for an initial term of 1 year upon a finding that:

(a) The child named in the petition is or was a drug dependent newborn as described in s. 39.01(30)(g). 415.503(10)(a)2;

(b) The parent or parents of the child have voluntarily relinquished temporary custody of the child to a relative or other responsible adult;

(c) The person named in the petition to be appointed the guardian advocate is capable of carrying out the duties as provided in s. 39.829 415.5088; and

(d) A petition to adjudicate the child dependent pursuant to this chapter ~~39~~ has not been filed.

(2) The appointment of a guardian advocate does not remove from the parents the right to consent to medical treatment for their child. The appointment of a guardian advocate does not prevent the filing of a subsequent petition under this chapter ~~39~~ to have the child adjudicated dependent.

Section 110. Section 415.5088, Florida Statutes, is renumbered as section 39.829, Florida Statutes.

Section 111. Section 415.5089, Florida Statutes, is renumbered as section 39.8295, Florida Statutes, and amended to read:

39.8295 415.5089 Review and removal of guardian advocate.—

(1) At the end of the initial 1-year appointment, the court shall review the status of the child's care, health, and medical condition for the purpose of determining whether to reauthorize the appointment of the guardian

advocate. If the court finds that all of the elements of s. ~~39.828~~ 415.5087 are still met the court shall reauthorize the guardian advocate for another year.

(2) At any time, the court may, upon its own motion, or upon the motion of the department, a family member, or other interested person remove a guardian advocate. A guardian advocate shall be removed if the court finds that the guardian advocate is not properly discharging his or her responsibilities or is acting in a manner inconsistent with his or her appointment, that the parents have assumed parental responsibility to provide for the child, or that the child has been adjudicated dependent pursuant to this chapter 39.

Section 112. Part XI of chapter 39, Florida Statutes, consisting of sections 39.901, 39.902, 39.903, 39.904, 39.905, 39.906, and 39.908, Florida Statutes, shall be entitled to read:

PART XI
DOMESTIC VIOLENCE

Section 113. Section 415.601, Florida Statutes, is renumbered as section 39.901, Florida Statutes.

Section 114. Section 415.602, Florida Statutes, is renumbered as section 39.902, Florida Statutes, and amended to read:

~~39.902~~ 415.602 ~~Definitions of terms used in ss. 415.601-415.608.—As used in this part ss. 415.601-415.608, the term:~~

~~(1) “Department” means the Department of Children and Family Services.~~

~~(2) “District” means a service district of the department as created in s. 20.19.~~

~~(1)(3)~~ “Domestic violence” means any assault, battery, sexual assault, sexual battery, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.

~~(2)(4)~~ “Domestic violence center” means an agency that provides services to victims of domestic violence, as its primary mission.

~~(3)(5)~~ “Family or household member” means spouses, former spouses, adults related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

Section 115. Section 415.603, Florida Statutes, is renumbered as section 39.903, Florida Statutes, and subsection (1) of said section is amended to read:

39.903 ~~415.603~~ Duties and functions of the department with respect to domestic violence.—

(1) The department shall:

(a) Develop by rule criteria for the approval or rejection of certification or funding of domestic violence centers.

(b) Develop by rule minimum standards for domestic violence centers to ensure the health and safety of the clients in the centers.

(c) Receive and approve or reject applications for certification of domestic violence centers, and receive and approve or reject applications for funding of domestic violence centers. When approving funding for a newly certified domestic violence center, the department shall make every effort to minimize any adverse economic impact on existing certified centers or services provided within the same district. In order to minimize duplication of services, the department shall make every effort to encourage subcontracting relationships with existing centers within the district. If any of the required services are exempted by the department under s. ~~39.905(1)(c)~~ 415.605(1)(c), the center shall not receive funding for those services.

(d) Evaluate each certified domestic violence center annually to ensure compliance with the minimum standards. The department has the right to enter and inspect the premises of certified domestic violence centers at any reasonable hour in order to effectively evaluate the state of compliance of these centers with this part ss. 415.601-415.608 and rules relating to this part those sections.

(e) Adopt rules to implement this part ss. 415.601-415.608.

(f) Promote the involvement of certified domestic violence centers in the coordination, development, and planning of domestic violence programming in the districts and the state.

Section 116. Section 415.604, Florida Statutes, is renumbered as section 39.904, Florida Statutes, and amended to read:

39.904 ~~415.604~~ Report to the Legislature on the status of domestic violence cases.—On or before January 1 of each year, the department of ~~Children and Family Services~~ shall furnish to the President of the Senate and the Speaker of the House of Representatives a report on the status of domestic violence in this state, which report shall include, but is not limited to, the following:

(1) The incidence of domestic violence in this state.

(2) An identification of the areas of the state where domestic violence is of significant proportions, indicating the number of cases of domestic violence officially reported, as well as an assessment of the degree of unreported cases of domestic violence.

(3) An identification and description of the types of programs in the state that assist victims of domestic violence or persons who commit domestic violence, including information on funding for the programs.

(4) The number of persons who are treated by or assisted by local domestic violence programs that receive funding through the department.

(5) A statement on the effectiveness of such programs in preventing future domestic violence.

(6) An inventory and evaluation of existing prevention programs.

(7) A listing of potential prevention efforts identified by the department; the estimated annual cost of providing such prevention services, both for a single client and for the anticipated target population as a whole; an identification of potential sources of funding; and the projected benefits of providing such services.

Section 117. Section 415.605, Florida Statutes, is renumbered as section 39.905, Florida Statutes, and subsections (1) and (2) and paragraph (a) of subsection (6) of said section are amended, to read:

39.905 ~~415.605~~ Domestic violence centers.—

(1) Domestic violence centers certified under this part ~~ss. 415.601-415.608~~ must:

(a) Provide a facility which will serve as a center to receive and house persons who are victims of domestic violence. For the purpose of this part ~~ss. 415.601-415.608~~, minor children and other dependents of a victim, when such dependents are partly or wholly dependent on the victim for support or services, may be sheltered with the victim in a domestic violence center.

(b) Receive the annual written endorsement of local law enforcement agencies.

(c) Provide minimum services which include, but are not limited to, information and referral services, counseling and case management services, temporary emergency shelter for more than 24 hours, a 24-hour hotline, training for law enforcement personnel, assessment and appropriate referral of resident children, and educational services for community awareness relative to the incidence of domestic violence, the prevention of such violence, and the care, treatment, and rehabilitation for persons engaged in or subject to domestic violence. If a 24-hour hotline, professional training, or community education is already provided by a certified domestic violence center within a district, the department may exempt such certification requirements for a new center serving the same district in order to avoid duplication of services.

(d) Participate in the provision of orientation and training programs developed for law enforcement officers, social workers, and other professionals and paraprofessionals who work with domestic violence victims to better enable such persons to deal effectively with incidents of domestic violence.

(e) Establish and maintain a board of directors composed of at least three citizens, one of whom must be a member of a local, municipal, or county law enforcement agency.

(f) Comply with rules adopted pursuant to this part ss. 415.601-415.608.

(g) File with the department a list of the names of the domestic violence advocates who are employed or who volunteer at the domestic violence center who may claim a privilege under s. 90.5036 to refuse to disclose a confidential communication between a victim of domestic violence and the advocate regarding the domestic violence inflicted upon the victim. The list must include the title of the position held by the advocate whose name is listed and a description of the duties of that position. A domestic violence center must file amendments to this list as necessary.

(h) Demonstrate local need and ability to sustain operations through a history of 18 consecutive months' operation as a domestic violence center, including 12 months' operation of an emergency shelter as provided in paragraph (c) defined in paragraph (1)(a), and a business plan which addresses future operations and funding of future operations.

(i) If its center is a new center applying for certification, demonstrate that the services provided address a need identified in the most current statewide needs assessment approved by the department.

(2) If the department finds that there is failure by a center to comply with the requirements established under this part ss. 415.601-415.608 or with the rules adopted pursuant thereto, the department may deny, suspend, or revoke the certification of the center.

(6) In order to receive state funds, a center must:

(a) Obtain certification pursuant to this part ss. 415.601-415.608. However, the issuance of a certificate will not obligate the department to provide funding.

Section 118. Section 415.606, Florida Statutes, is renumbered as section 39.906, Florida Statutes.

Section 119. Section 415.608, Florida Statutes, is renumbered as section 39.908, Florida Statutes.

Section 120. Subsections (4) through (20) of section 20.19, Florida Statutes, are renumbered as subsections (5) through (21), respectively, paragraph (b) of present subsection (4), paragraph (o) of present subsection (7), and paragraph (c) of present subsection (20) are amended, and a new subsection (4) is added to said section, to read:

20.19 Department of Children and Family Services.—There is created a Department of Children and Family Services.

(4) CERTIFICATION PROGRAMS FOR DEPARTMENT EMPLOYEES.—The department is authorized to create certification programs for family safety and preservation employees and agents to ensure that only qualified employees and agents provide child protection services. The department is authorized to develop rules that include qualifications for certification, including training and testing requirements, continuing education

requirements for ongoing certification, and decertification procedures to be used to determine when an individual no longer meets the qualifications for certification and to implement the decertification of an employee or agent.

(5)(4) PROGRAM OFFICES.—

(b) The following program offices are established and may be consolidated, restructured, or rearranged by the secretary; provided any such consolidation, restructuring, or rearranging is for the purpose of encouraging service integration through more effective and efficient performance of the program offices or parts thereof:

1. Economic Self-Sufficiency Program Office.—The responsibilities of this office encompass income support programs within the department, such as temporary assistance to families with dependent children, food stamps, welfare reform, and state supplementation of the supplemental security income (SSI) program.

2. Developmental Services Program Office.—The responsibilities of this office encompass programs operated by the department for developmentally disabled persons. Developmental disabilities include any disability defined in s. 393.063.

3. Children and Families Program Office.—The responsibilities of this program office encompass early intervention services for children and families at risk; intake services for protective investigation of abandoned, abused, and neglected children; interstate compact on the placement of children programs; adoption; child care; out-of-home care programs and other specialized services to families; and child protection and sexual abuse treatment teams created under chapter 39 415, excluding medical direction functions.

4. Alcohol, Drug Abuse, and Mental Health Program Office.—The responsibilities of this office encompass all alcohol, drug abuse, and mental health programs operated by the department.

(7) HEALTH AND HUMAN SERVICES BOARDS.—

(o) Health and human services boards have the following responsibilities, with respect to those programs and services assigned to the districts, as developed jointly with the district administrator:

1. Establish district outcome measures consistent with statewide outcomes.

2. Conduct district needs assessments using methodologies consistent with those established by the secretary.

3. Negotiate with the secretary a district performance agreement that:

a. Identifies current resources and services available;

b. Identifies unmet needs and gaps in services;

- c. Establishes service and funding priorities;
 - d. Establishes outcome measures for the district; and
 - e. Identifies expenditures and the number of clients to be served, by service.
4. Provide budget oversight, including development and approval of the district's legislative budget request.
 5. Provide policy oversight, including development and approval of district policies and procedures.
 6. Act as a focal point for community participation in department activities such as:
 - a. Assisting in the integration of all health and social services within the community;
 - b. Assisting in the development of community resources;
 - c. Advocating for community programs and services;
 - d. Receiving and addressing concerns of consumers and others; and
 - e. Advising the district administrator on the administration of service programs throughout the district.
 7. Advise the district administrator on ways to integrate the delivery of family and health care services at the local level.
 8. Make recommendations which would enhance district productivity and efficiency, ensure achievement of performance standards, and assist the district in improving the effectiveness of the services provided.
 9. Review contract provider performance reports.
 10. Immediately upon appointment of the membership, develop bylaws that clearly identify and describe operating procedures for the board. At a minimum, the bylaws must specify notice requirements for all regular and special meetings of the board, the number of members required to constitute a quorum, and the number of affirmative votes of members present and voting that are required to take official and final action on a matter before the board.
 - 11.a. Determine the board's internal organizational structure, including the designation of standing committees. In order to foster the coordinated and integrated delivery of family services in its community, a local board shall use a committee structure that is based on issues, such as children, housing, transportation, or health care. Each such committee must include consumers, advocates, providers, and department staff from every appropriate program area. In addition, each board and district administrator shall jointly identify community entities, including, but not limited to, the Area Agency on Aging, and resources outside the department to be represented on the committees of the board.

b. The district juvenile justice boards established in s. ~~985.413~~ 39.025 constitute the standing committee on issues relating to planning, funding, or evaluation of programs and services relating to the juvenile justice continuum.

12. Participate with the secretary in the selection of a district administrator according to the provisions of paragraph ~~(10)~~(9)(b).

13. Complete an annual evaluation of the district and review the evaluation at a meeting of the board at which the public has an opportunity to comment.

14. Provide input to the secretary on the annual evaluation of the district administrator. The board may request that the secretary submit a written report on the actions to be taken to address negative aspects of the evaluation. At any time, the board may recommend to the secretary that the district administrator be discharged. Upon receipt of such a recommendation, the secretary shall make a formal reply to the board stating the action to be taken with respect to the board's recommendation.

15. Elect a chair and other officers, as specified in the bylaws, from among the members of the board.

(20) INNOVATION ZONES.—The health and human services board may propose designation of an innovation zone for any experimental, pilot, or demonstration project that furthers the legislatively established goals of the department. An innovation zone is a defined geographic area such as a district, county, municipality, service delivery area, school campus, or neighborhood providing a laboratory for the research, development, and testing of the applicability and efficacy of model programs, policy options, and new technologies for the department.

(c) The Statewide Health and Human Services Board, in conjunction with the secretary, shall develop a family services innovation transfer network for the purpose of providing information on innovation zone research and projects or other effective initiatives in family services to the health and human services boards established under subsection ~~(8)~~ (7).

Section 121. Paragraph (h) of subsection (1) of section 20.43, Florida Statutes, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(1) The purpose of the Department of Health is to promote and protect the health of all residents and visitors in the state through organized state and community efforts, including cooperative agreements with counties. The department shall:

(h) Provide medical direction for child protection team and sexual abuse treatment functions created under chapter 39 415.

Section 122. Paragraph (b)2. of subsection (2) of section 61.13, Florida Statutes, is amended to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(2)

(b)

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. Evidence that a parent has been convicted of a felony of the third degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775, or meets the criteria of s. ~~39.806(1)(d)~~ 39.464(1)(d), creates a rebuttable presumption of detriment to the child. If the presumption is not rebutted, shared parental responsibility, including visitation, residence of the child, and decisions made regarding the child, may not be granted to the convicted parent. However, the convicted parent is not relieved of any obligation to provide financial support. If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for visitation as will best protect the child or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.

a. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include primary residence, education, medical and dental care, and any other responsibilities that the court finds unique to a particular family.

b. The court shall order "sole parental responsibility, with or without visitation rights, to the other parent when it is in the best interests of" the minor child.

c. The court may award the grandparents visitation rights with a minor child if it is in the child's best interest. Grandparents have legal standing to seek judicial enforcement of such an award. This section does not require that grandparents be made parties or given notice of dissolution pleadings or proceedings, nor do grandparents have legal standing as "contestants" as defined in s. 61.1306. A court may not order that a child be kept within the state or jurisdiction of the court solely for the purpose of permitting visitation by the grandparents.

Section 123. Section 61.401, Florida Statutes, is amended to read:

61.401 Appointment of guardian ad litem.—In an action for dissolution of marriage, modification, parental responsibility, custody, or visitation, if the court finds it is in the best interest of the child, the court may appoint a guardian ad litem to act as next friend of the child, investigator or evaluator, not as attorney or advocate. The court in its discretion may also appoint

legal counsel for a child to act as attorney or advocate; however, the guardian and the legal counsel shall not be the same person. In such actions which involve an allegation of child abuse, abandonment, or neglect as defined in s. 39.01 ~~415.503~~(3), which allegation is verified and determined by the court to be well-founded, the court shall appoint a guardian ad litem for the child. The guardian ad litem shall be a party to any judicial proceeding from the date of the appointment until the date of discharge.

Section 124. Section 61.402, Florida Statutes, is amended to read:

61.402 Qualifications of guardians ad litem.—A guardian ad litem must be either a citizen certified by the Guardian Ad Litem Program to act in family law cases or an attorney who is a member in good standing of The Florida Bar. Prior to certifying a guardian ad litem to be appointed under this chapter, the Guardian Ad Litem Program must conduct a security background investigation as provided in s. 39.821 ~~415.5077~~.

Section 125. Subsection (4) of section 63.052, Florida Statutes, is amended to read:

63.052 Guardians designated; proof of commitment.—

(4) If a child is voluntarily surrendered to an intermediary for subsequent adoption and the adoption does not become final within 180 days, the intermediary must report to the court on the status of the child and the court may at that time proceed under s. 39.701 ~~39.453~~ or take action reasonably necessary to protect the best interest of the child.

Section 126. Paragraph (b) of subsection (2) of section 63.092, Florida Statutes, is amended to read:

63.092 Report to the court of intended placement by an intermediary; preliminary study.—

(2) PRELIMINARY HOME STUDY.—Before placing the minor in the intended adoptive home, a preliminary home study must be performed by a licensed child-placing agency, a licensed professional, or agency described in s. 61.20(2), unless the petitioner is a stepparent, a spouse of the birth parent, or a relative. The preliminary study shall be completed within 30 days after the receipt by the court of the intermediary's report, but in no event may the child be placed in the prospective adoptive home prior to the completion of the preliminary study unless ordered by the court. If the petitioner is a stepparent, a spouse of the birth parent, or a relative, the preliminary home study may be required by the court for good cause shown. The department is required to perform the preliminary home study only if there is no licensed child-placing agency, licensed professional, or agency described in s. 61.20(2), in the county where the prospective adoptive parents reside. The preliminary home study must be made to determine the suitability of the intended adoptive parents and may be completed prior to identification of a prospective adoptive child. A favorable preliminary home study is valid for 1 year after the date of its completion. A child must not be placed in an intended adoptive home before a favorable preliminary home

study is completed unless the adoptive home is also a licensed foster home under s. 409.175. The preliminary home study must include, at a minimum:

(b) Records checks of the department's central abuse registry ~~under chapter 415 and statewide~~ criminal records correspondence checks pursuant to s. 435.045 through the Department of Law Enforcement on the intended adoptive parents;

If the preliminary home study is favorable, a minor may be placed in the home pending entry of the judgment of adoption. A minor may not be placed in the home if the preliminary home study is unfavorable. If the preliminary home study is unfavorable, the intermediary or petitioner may, within 20 days after receipt of a copy of the written recommendation, petition the court to determine the suitability of the intended adoptive home. A determination as to suitability under this subsection does not act as a presumption of suitability at the final hearing. In determining the suitability of the intended adoptive home, the court must consider the totality of the circumstances in the home.

Section 127. Subsection (2) of section 90.5036, Florida Statutes, is amended to read:

90.5036 Domestic violence advocate-victim privilege.—

(2) A victim has a privilege to refuse to disclose, and to prevent any other person from disclosing, a confidential communication made by the victim to a domestic violence advocate or any record made in the course of advising, counseling, or assisting the victim. The privilege applies to confidential communications made between the victim and the domestic violence advocate and to records of those communications only if the advocate is registered under s. ~~39.905~~ 415.605 at the time the communication is made. This privilege includes any advice given by the domestic violence advocate in the course of that relationship.

Section 128. Paragraphs (a), (b), (c), and (d) of subsection (7) of section 119.07, Florida Statutes, are amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(7)(a) Any person or organization, including the Department of Children and Family Health and Rehabilitative Services, may petition the court for an order making public the records of the Department of Children and Family Health and Rehabilitative Services that pertain to investigations of alleged abuse, neglect, abandonment, or exploitation of a child, a disabled adult, or an elderly person. The court shall determine if good cause exists for public access to the records sought or a portion thereof. In making this determination, the court shall balance the best interest of the disabled adult, elderly person, or child who is the focus of the investigation, and in the case of the child, the interest of that child's siblings, together with the privacy right of other persons identified in the reports against the public interest. The public interest in access to such records is reflected in s. 119.01(1), and

includes the need for citizens to know of and adequately evaluate the actions of the Department of ~~Children and Family Health and Rehabilitative Services~~ and the court system in providing disabled adults, elderly persons, and children of this state with the protections enumerated in ss. 39.001 and 415.101 ~~and 415.502~~. However, nothing in this subsection shall contravene the provisions of ss. ~~39.202 415.51~~ and 415.107, which protect the name of any person reporting the abuse, neglect, or exploitation of a child, a disabled adult, or an elderly person.

(b)1. In cases involving the death of a disabled adult or an elderly person as the result of abuse, neglect, or exploitation, there shall be a presumption that the best interest of the disabled adult or elderly person and the public interest will be served by full public disclosure of the circumstances of the investigation of the death and any other investigation concerning the disabled adult or elderly person.

2. In cases involving the death of a child as the result of abuse, neglect, or abandonment, there shall be a presumption that the best interest of the child and the child's siblings and the public interest will be served by full public disclosure of the circumstances of the investigation of the death of the child and any other investigation concerning the child and the child's siblings.

(c) In cases involving serious bodily injury to a child, a disabled adult or an elderly person, the Department of ~~Children and Family Health and Rehabilitative Services~~ may petition the court for an order for the immediate public release of records of the department which pertain to the investigation of abuse, neglect, abandonment, or exploitation of the child, disabled adult, or elderly person who suffered serious bodily injury. The petition must be personally served upon the child, disabled adult, or elderly person, the child's parents or guardian, the legal guardian of that person, if any, and any person named as an alleged perpetrator in the report of abuse, neglect, abandonment, or exploitation. The court must determine if good cause exists for the public release of the records sought no later than 24 hours, excluding Saturdays, Sundays, and legal holidays, from the date the department filed the petition with the court. If the court has neither granted nor denied the petition within the 24-hour time period, the department may release to the public summary information including:

1. A confirmation that an investigation has been conducted concerning the alleged victim.
2. The dates and brief description of procedural activities undertaken during the department's investigation.
3. The date of each judicial proceeding, a summary of each participant's recommendations made at the judicial proceedings, and the rulings of the court.

The summary information may not include the name of, or other identifying information with respect to, any person identified in any investigation. In making a determination to release confidential information, the court shall

balance the best interests of the disabled adult or elderly person or child who is the focus of the investigation and, in the case of the child, the interests of that child's siblings, together with the privacy rights of other persons identified in the reports against the public interest for access to public records. However, nothing in this paragraph shall contravene the provisions of ss. 39.202 ~~415.51~~ and 415.107, which protect the name of any person reporting abuse, neglect, or exploitation of a child, a disabled adult, or an elderly person.

(d) In cases involving the death of a child or a disabled adult or an elderly person, the Department of ~~Children and Family Health and Rehabilitative Services~~ may petition the court for an order for the immediate public release of records of the department which pertain to the investigation of abuse, neglect, abandonment, or exploitation of the child, disabled adult, or elderly person who died. The department must personally serve the petition upon the child's parents or guardian, the legal guardian of the disabled adult or elderly person, if any, and any person named as an alleged perpetrator in the report of abuse, neglect, abandonment, or exploitation. The court must determine if good cause exists for the public release of the records sought no later than 24 hours, excluding Saturdays, Sundays, and legal holidays, from the date the department filed the petition with the court. If the court has neither granted nor denied the petition within the 24-hour time period, the department may release to the public summary information including:

1. A confirmation that an investigation has been conducted concerning the alleged victim.
2. The dates and brief description of procedural activities undertaken during the department's investigation.
3. The date of each judicial proceeding, a summary of each participant's recommendations made at the judicial proceedings, and the ruling of the court.

In making a determination to release confidential information, the court shall balance the best interests of the disabled adult or elderly person or child who is the focus of the investigation and, in the case of the child, the interest of that child's siblings, together with the privacy right of other persons identified in the reports against the public interest. However, nothing in this paragraph shall contravene the provisions of ss. 39.202 ~~415.51~~ and 415.107, which protect the name of any person reporting abuse, neglect, or exploitation of a child, a disabled adult, or an elderly person.

Section 129. Section 154.067, Florida Statutes, is amended to read:

154.067 Child abuse and neglect cases; duties.—The Department of Health shall adopt a rule requiring every county health department, as described in s. 154.01, to adopt a protocol that, at a minimum, requires the county health department to:

- (1) Incorporate in its health department policy a policy that every staff member has an affirmative duty to report, pursuant to chapter 39 ~~415~~, any actual or suspected case of child abuse, abandonment, or neglect; and

(2) In any case involving suspected child abuse, abandonment, or neglect, designate, at the request of the department, a staff physician to act as a liaison between the county health department and the Department of Children and Family Services office that is investigating the suspected abuse, abandonment, or neglect, and the child protection team, as defined in s. 39.01 415.503, when the case is referred to such a team.

Section 130. Subsection (15) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(15) The department may disclose confidential taxpayer information contained in returns, reports, accounts, or declarations filed with the department by persons subject to any state or local tax to the child support enforcement program, to assist in the location of parents who owe or potentially owe a duty of support pursuant to Title IV-D of the Social Security Act, their assets, their income, and their employer, and to the Department of Children and Family Services for the purpose of diligent search activities pursuant to chapter 39. Nothing in this subsection authorizes the disclosure of information if such disclosure is prohibited by federal law. Employees of the child support enforcement program and of the Department of Children and Family Services are bound by the same requirements of confidentiality and the same penalties for violation of the requirements as the department.

Section 131. Paragraph (a) of subsection (8) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(8) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.—

(a) Duties.—The Child Welfare System Estimating Conference shall develop the following information relating to the child welfare system:

1. Estimates and projections of the number of initial and additional reports of child abuse, abandonment, or neglect made to the central abuse hotline registry and tracking system maintained by the Department of Children and Family Health and Rehabilitative Services as established in s. 39.201(4) 415.504(4)(a).

2. Estimates and projections of the number of children who are alleged to be victims of child abuse, abandonment, or neglect and are in need of placement in a ~~an~~ emergency shelter.

In addition, the conference shall develop other official information relating to the child welfare system of the state which the conference determines is needed for the state planning and budgeting system. The Department of Children and Family Health and Rehabilitative Services shall provide information on the child welfare system requested by the Child Welfare System Estimating Conference, or individual conference principals, in a timely manner.

Section 132. Section 232.50, Florida Statutes, is amended to read:

232.50 Child abuse, abandonment, and neglect policy.—Every school board shall by March 1, 1985:

(1) Post in a prominent place in each school a notice that, pursuant to chapter ~~39~~ 415, all employees or agents of the district school board have an affirmative duty to report all actual or suspected cases of child abuse, abandonment, or neglect, have immunity from liability if they report such cases in good faith, and have a duty to comply with child protective investigations and all other provisions of law relating to child abuse, abandonment, and neglect. The notice shall also include the statewide toll-free telephone number of the state abuse registry.

(2) Provide that the superintendent, or the superintendent's designee, at the request of the Department of Children and Family Health and Rehabilitative Services, will act as a liaison to the Department of Children and Family Health and Rehabilitative Services and the child protection team, as defined in s. ~~39.01~~ 415.503, when in a case of suspected child abuse, abandonment, or neglect or an unlawful sexual offense involving a child the case is referred to such a team; except that this subsection may in no instance be construed as relieving or restricting the Department of Children and Family Health and Rehabilitative Services from discharging its duty and responsibility under the law to investigate and report every suspected or actual case of child abuse, abandonment, or neglect or unlawful sexual offense involving a child.

Each district school board shall comply with the provisions of this section, and such board shall notify the Department of Education and the Department of Children and Family Health and Rehabilitative Services of its compliance by March 1, 1985.

Section 133. Paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 2(1) of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Fifteen and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. ~~39.702~~ 39.4531.

Section 134. Effective July 1, 1999, paragraph (a) of subsection (2) of section 318.21, as amended by section 3(1) of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Ten and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. 39.702 ~~39.4531~~.

Section 135. Effective July 1, 2000, paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 4(1) of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Five and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. 39.702 ~~39.4531~~.

Section 136. Effective July 1, 2001, paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 5(1) of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Twenty and six-tenths percent shall be paid to the County Article V Trust Fund, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. 39.702 ~~39.4531~~.

Section 137. Effective July 1, 2002, paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 6 of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Twenty and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. ~~39.702~~ 39.4531.

Section 138. Paragraph (e) of subsection (1) of section 384.29, Florida Statutes, is amended to read:

384.29 Confidentiality.—

(1) All information and records held by the department or its authorized representatives relating to known or suspected cases of sexually transmissible diseases are strictly confidential and exempt from the provisions of s. 119.07(1). Such information shall not be released or made public by the department or its authorized representatives, or by a court or parties to a lawsuit upon revelation by subpoena, except under the following circumstances:

(e) When made to the proper authorities as required by chapter 39 or chapter 415.

Section 139. Paragraph (e) of subsection (1) of section 392.65, Florida Statutes, is amended to read:

392.65 Confidentiality.—

(1) All information and records held by the department or its authorized representatives relating to known or suspected cases of tuberculosis or exposure to tuberculosis shall be strictly confidential and exempt from s. 119.07(1). Such information shall not be released or made public by the department or its authorized representatives or by a court or parties to a lawsuit, except that release may be made under the following circumstances:

(e) When made to the proper authorities as required by chapter 39 or chapter 415.

Section 140. The introductory paragraph of subsection (14) of section 393.063, Florida Statutes, is amended to read:

393.063 Definitions.—For the purposes of this chapter:

(14) “Direct service provider,” also known as “caregiver” in chapters 39 and chapter 415 or “caretaker” in provisions relating to employment security checks, means a person 18 years of age or older who has direct contact with individuals with developmental disabilities and is unrelated to the individuals with developmental disabilities.

Section 141. Section 395.1023, Florida Statutes, is amended to read:

395.1023 Child abuse and neglect cases; duties.—Each licensed facility shall adopt a protocol that, at a minimum, requires the facility to:

(1) Incorporate a facility policy that every staff member has an affirmative duty to report, pursuant to chapter 39 415, any actual or suspected case of child abuse, abandonment, or neglect; and

(2) In any case involving suspected child abuse, abandonment, or neglect, designate, at the request of the department, a staff physician to act as a liaison between the hospital and the Department of Children and Family Services office which is investigating the suspected abuse, abandonment, or neglect, and the child protection team, as defined in s. 39.01 415.503, when the case is referred to such a team.

Each general hospital and appropriate specialty hospital shall comply with the provisions of this section and shall notify the agency and the department of its compliance by sending a copy of its policy to the agency and the department as required by rule. The failure by a general hospital or appropriate specialty hospital to comply shall be punished by a fine not exceeding \$1,000, to be fixed, imposed, and collected by the agency. Each day in violation is considered a separate offense.

Section 142. Section 400.4174, Florida Statutes, is amended to read:

400.4174 Reports of abuse in facilities.—When an employee, volunteer, administrator, or owner of a facility has a confirmed report of adult abuse, neglect, or exploitation, as defined in s. 415.102, or a judicially determined report of child abuse, abandonment, or neglect, as defined in s. 39.01 415.503, and the protective investigator knows that the individual is an employee, volunteer, administrator, or owner of a facility, the agency shall be notified of the ~~confirmed~~ report.

Section 143. Paragraph (c) of subsection (2) of section 400.556, Florida Statutes, is amended to read:

400.556 Denial, suspension, revocation of license; administrative fines; investigations and inspections.—

(2) Each of the following actions by the owner of an adult day care center or by its operator or employee is a ground for action by the agency against the owner of the center or its operator or employee:

(c) A confirmed report of adult abuse, neglect, or exploitation, as defined in s. 415.102, or a report of child abuse, abandonment, or neglect, as defined in s. 39.01 415.503, which report has been upheld following a hearing held pursuant to chapter 120 or a waiver of such hearing.

Section 144. Paragraph (a) of subsection (8) of section 402.165, Florida Statutes, is amended to read:

402.165 Statewide Human Rights Advocacy Committee; confidential records and meetings.—

(8)(a) In the performance of its duties, the Statewide Human Rights Advocacy Committee shall have:

1. Authority to receive, investigate, seek to conciliate, hold hearings on, and act on complaints which allege any abuse or deprivation of constitutional or human rights of clients.

2. Access to all client records, files, and reports from any program, service, or facility that is operated, funded, licensed, or regulated by the Department of ~~Children and Family Health and Rehabilitative Services~~ and any records which are material to its investigation and which are in the custody of any other agency or department of government. The committee's investigation or monitoring shall not impede or obstruct matters under investigation by law enforcement or judicial authorities. Access shall not be granted if a specific procedure or prohibition for reviewing records is required by federal law and regulation which supersedes state law. Access shall not be granted to the records of a private licensed practitioner who is providing services outside agencies and facilities and whose client is competent and refuses disclosure.

3. Standing to petition the circuit court for access to client records which are confidential as specified by law. The petition shall state the specific reasons for which the committee is seeking access and the intended use of such information. The court may authorize committee access to such records upon a finding that such access is directly related to an investigation regarding the possible deprivation of constitutional or human rights or the abuse of a client. Original client files, records, and reports shall not be removed from the Department of ~~Children and Family Health and Rehabilitative Services~~ or agency facilities. Under no circumstance shall the committee have access to confidential adoption records in accordance with the provisions of ss. ~~39.0132~~ 39.411, 63.022, and 63.162. Upon completion of a general investigation of practices and procedures of the Department of ~~Children and Family Health and Rehabilitative Services~~, the committee shall report its findings to that department.

Section 145. Paragraph (a) of subsection (8) of section 402.166, Florida Statutes, is amended to read:

402.166 District human rights advocacy committees; confidential records and meetings.—

(8)(a) In the performance of its duties, a district human rights advocacy committee shall have:

1. Access to all client records, files, and reports from any program, service, or facility that is operated, funded, licensed, or regulated by the Department of ~~Children and Family Health and Rehabilitative Services~~ and any records which are material to its investigation and which are in the custody of any other agency or department of government. The committee's investigation or monitoring shall not impede or obstruct matters under investigation by law enforcement or judicial authorities. Access shall not be granted if a specific procedure or prohibition for reviewing records is required by federal law and regulation which supersedes state law. Access shall not be

granted to the records of a private licensed practitioner who is providing services outside agencies and facilities and whose client is competent and refuses disclosure.

2. Standing to petition the circuit court for access to client records which are confidential as specified by law. The petition shall state the specific reasons for which the committee is seeking access and the intended use of such information. The court may authorize committee access to such records upon a finding that such access is directly related to an investigation regarding the possible deprivation of constitutional or human rights or the abuse of a client. Original client files, records, and reports shall not be removed from Department of Children and Family Health and Rehabilitative Services or agency facilities. Upon no circumstances shall the committee have access to confidential adoption records in accordance with the provisions of ss. ~~39.0132 39.411~~, 63.022, and 63.162. Upon completion of a general investigation of practices and procedures of the Department of Children and Family Health and Rehabilitative Services, the committee shall report its findings to that department.

Section 146. Section 409.1672, Florida Statutes, is amended to read:

409.1672 Incentives for department employees.—In order to promote accomplishing the goal of family preservation, family reunification, or permanent placement of a child in an adoptive home, the department may, pursuant to s. 110, chapter 92-142, Laws of Florida, or subsequent legislative authority and within existing resources, develop monetary performance incentives such as bonuses, salary increases, and educational enhancements for department employees engaged in positions and activities related to the child welfare system under chapter 39, ~~chapter 415~~, or this chapter who demonstrate outstanding work in these areas.

Section 147. Subsection (8) and paragraph (c) of subsection (9) of section 409.176, Florida Statutes, are amended to read:

409.176 Registration of residential child-caring agencies and family foster homes.—

(8) The provisions of chapters 39 415 and 827 regarding child abuse, abandonment, and neglect and the provisions of s. 409.175 and chapter 435 regarding screening apply to any facility registered under this section.

(9) The qualified association may deny, suspend, or revoke the registration of a Type II facility which:

(c) Violates the provisions of chapter 39 415 or chapter 827 regarding child abuse, abandonment, and neglect or the provisions of s. 409.175 or chapter 435 regarding screening.

The qualified association shall notify the department within 10 days of the suspension or revocation of the registration of any Type II facility registered under this section.

Section 148. Paragraph (b) of subsection (10) of section 409.2554, Florida Statutes, is amended to read:

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

(10) “Support” means:

(b) Support for a child who is placed under the custody of someone other than the custodial parent pursuant to s. 39.508 ~~39.41~~.

Section 149. Section 409.2577, Florida Statutes, is amended to read:

409.2577 Parent locator service.—The department shall establish a parent locator service to assist in locating parents who have deserted their children and other persons liable for support of dependent children. The department shall use all sources of information available, including the Federal Parent Locator Service, and may request and shall receive information from the records of any person or the state or any of its political subdivisions or any officer thereof. Any agency as defined in s. 120.52, any political subdivision, and any other person shall, upon request, provide the department any information relating to location, salary, insurance, social security, income tax, and employment history necessary to locate parents who owe or potentially owe a duty of support pursuant to Title IV-D of the Social Security Act. This provision shall expressly take precedence over any other statutory nondisclosure provision which limits the ability of an agency to disclose such information, except that law enforcement information as provided in s. 119.07(3)(i) is not required to be disclosed, and except that confidential taxpayer information possessed by the Department of Revenue shall be disclosed only to the extent authorized in s. 213.053(15). Nothing in this section requires the disclosure of information if such disclosure is prohibited by federal law. Information gathered or used by the parent locator service is confidential and exempt from the provisions of s. 119.07(1). Additionally, the department is authorized to collect any additional information directly bearing on the identity and whereabouts of a person owing or asserted to be owing an obligation of support for a dependent child. Information gathered or used by the parent locator service is confidential and exempt from the provisions of s. 119.07(1). The department may make such information available only to public officials and agencies of this state; political subdivisions of this state; the custodial parent, legal guardian, attorney, or agent of the child; and other states seeking to locate parents who have deserted their children and other persons liable for support of dependents, for the sole purpose of establishing, modifying, or enforcing their liability for support, and shall make such information available to the Department of Children and Family Services for the purpose of diligent search activities pursuant to chapter 39. If the department has reasonable evidence of domestic violence or child abuse and the disclosure of information could be harmful to the custodial parent or the child of such parent, the child support program director or designee shall notify the Department of Children and Family Services and the Secretary of the United States Department of Health and Human Services of this evidence. Such evidence is sufficient grounds for the department to disapprove an application for location services.

Section 150. Subsection (29) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(29) Each managed care plan that is under contract with the agency to provide health care services to Medicaid recipients shall annually conduct a background check with the Florida Department of Law Enforcement of all persons with ownership interest of 5 percent or more or executive management responsibility for the managed care plan and shall submit to the agency information concerning any such person who has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any of the offenses listed in s. 435.03 or has a confirmed report of abuse, neglect, or exploitation pursuant to ~~part I of~~ chapter 415.

Section 151. Paragraph (a) of subsection (1) of section 409.9126, Florida Statutes, is amended to read:

409.9126 Children with special health care needs.—

(1) As used in this section:

(a) “Children’s Medical Services network” means an alternative service network that includes health care providers and health care facilities specified in chapter 391 and ss. 39.303, 383.15-383.21, and 383.216, ~~and 415.5055~~.

Section 152. Paragraph (f) of subsection (5) of section 414.065, Florida Statutes, is amended to read:

414.065 Work requirements.—

(5) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR CHILDREN; PROTECTIVE PAYEES.—

(f) If the department is unable to designate a qualified protective payee or authorized representative, a referral shall be made under the provisions of chapter 39 415 for protective intervention.

Section 153. Section 435.045, Florida Statutes, is created to read:

435.045 Requirements for prospective foster or adoptive parents.—

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

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

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

(2) For purposes of this section, and ss. 39.401(3) and 39.508(9)(b) and (10)(a), the department and its authorized agents or contract providers are hereby designated a criminal justice agency for the purposes of accessing criminal justice information, including National Crime Information Center information, to be used for enforcing Florida's laws concerning the crimes of child abuse, abandonment, and neglect. This information shall be used solely for purposes supporting the detection, apprehension, prosecution, pre-trial release, post-trial release, or rehabilitation of criminal offenders or persons accused of the crimes of child abuse, abandonment, or neglect and shall not be further disseminated or used for any other purposes.

(3) Subsection (2) shall not apply if the Governor has notified the Secretary of the United States Department of Health and Human Services in writing that the state has elected to make subsection (2) inapplicable to the state, or if the Legislature, by law, has elected to make subsection (2) inapplicable to the state.

Section 154. Section 447.401, Florida Statutes, is amended to read:

447.401 Grievance procedures.—Each public employer and bargaining agent shall negotiate a grievance procedure to be used for the settlement of disputes between employer and employee, or group of employees, involving the interpretation or application of a collective bargaining agreement. Such grievance procedure shall have as its terminal step a final and binding disposition by an impartial neutral, mutually selected by the parties; however, when the issue under appeal is an allegation of abuse, abandonment, or neglect by an employee under s. 39.201 or s. 415.1075 ~~or s. 415.504~~, the grievance may not be decided until the abuse, abandonment, or neglect of a child has been judicially determined or until a confirmed report of abuse or neglect of a disabled adult or elderly person has been upheld pursuant to the procedures for appeal in s. ss. 415.1075 and 415.504. However, an arbitrator or other neutral shall not have the power to add to, subtract from,

modify, or alter the terms of a collective bargaining agreement. If an employee organization is certified as the bargaining agent of a unit, the grievance procedure then in existence may be the subject of collective bargaining, and any agreement which is reached shall supersede the previously existing procedure. All public employees shall have the right to a fair and equitable grievance procedure administered without regard to membership or non-membership in any organization, except that certified employee organizations shall not be required to process grievances for employees who are not members of the organization. A career service employee shall have the option of utilizing the civil service appeal procedure, an unfair labor practice procedure, or a grievance procedure established under this section, but such employee is precluded from availing himself or herself to more than one of these procedures.

Section 155. Paragraph (d) of subsection (1) of section 464.018, Florida Statutes, is amended to read:

464.018 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(d) Being found guilty, regardless of adjudication, of any of the following offenses:

1. A forcible felony as defined in chapter 776.
2. A violation of chapter 812, relating to theft, robbery, and related crimes.
3. A violation of chapter 817, relating to fraudulent practices.
4. A violation of chapter 800, relating to lewdness and indecent exposure.
5. A violation of chapter 784, relating to assault, battery, and culpable negligence.
6. A violation of chapter 827, relating to child abuse.
7. A violation of chapter 415, relating to protection from abuse, neglect, and exploitation.
8. A violation of chapter 39, relating to child abuse, abandonment, and neglect.

Section 156. Paragraph (a) of subsection (2) of section 490.014, Florida Statutes, is amended to read:

490.014 Exemptions.—

(2) No person shall be required to be licensed or provisionally licensed under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pur-

suant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management program, or child care resource and referral program operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter 39 415; accredited academic institution; or research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution.

Section 157. Paragraph (a) of subsection (4) of section 491.014, Florida Statutes, is amended to read:

491.014 Exemptions.—

(4) No person shall be required to be licensed, provisionally licensed, registered, or certified under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management program, or child care resource and referral program operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter 39 415; accredited academic institution; or research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution.

Section 158. Paragraph (b) of subsection (3) of section 741.30, Florida Statutes, is amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(3)

(b) The sworn petition shall be in substantially the following form:

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner ...(Name)..., who has been sworn and says that the following statements are true:

(a) Petitioner resides at: ...(address)...

(Petitioner may furnish address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of the current residence to be confidential.)

(b) Respondent resides at: ...(last known address)...

(c) Respondent's last known place of employment: ...(name of business and address)...

(d) Physical description of respondent:

Race....

Sex....

Date of birth....

Height....

Weight....

Eye color....

Hair color....

Distinguishing marks or scars....

(e) Aliases of respondent:

(f) Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

(g) The following describes any other cause of action currently pending between the petitioner and respondent:

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt

Case numbers should be included if available.

(h) Petitioner has suffered or has reasonable cause to fear imminent domestic violence because respondent has:

(i) Petitioner alleges the following additional specific facts: (mark appropriate sections)

....Petitioner is the custodian of a minor child or children whose names and ages are as follows:

....Petitioner needs the exclusive use and possession of the dwelling that the parties share.

....Petitioner is unable to obtain safe alternative housing because: . . .

....Petitioner genuinely fears that respondent imminently will abuse, remove, or hide the minor child or children from petitioner because: . . .

(j) Petitioner genuinely fears imminent domestic violence by respondent.

(k) Petitioner seeks an injunction: (mark appropriate section or sections)

...Immediately restraining the respondent from committing any acts of domestic violence.

...Restraining the respondent from committing any acts of domestic violence.

...Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

...Awarding temporary custody of, or temporary visitation rights with regard to, the minor child or children of the parties, or prohibiting or limiting visitation to that which is supervised by a third party.

...Establishing temporary support for the minor child or children or the petitioner.

...Directing the respondent to participate in a batterers' intervention program or other treatment pursuant to s. 39.901 415.601.

...Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.

Section 159. Subsection (3) of section 744.309, Florida Statutes, is amended to read:

744.309 Who may be appointed guardian of a resident ward.—

(3) **DISQUALIFIED PERSONS.**—No person who has been convicted of a felony or who, from any incapacity or illness, is incapable of discharging the duties of a guardian, or who is otherwise unsuitable to perform the duties of a guardian, shall be appointed to act as guardian. Further, no person who has been judicially determined to have committed abuse, abandonment, or neglect against a child as defined in s. 39.01(2) ~~and (47)~~, or who has a confirmed report of abuse, neglect, or exploitation which has been uncontested or upheld pursuant to the provisions of ss. 415.104 and 415.1075 shall be appointed to act as a guardian. Except as provided in subsection (5) or subsection (6), a person who provides substantial services to the proposed ward in a professional or business capacity, or a creditor of the proposed ward, may not be appointed guardian and retain that previous professional or business relationship. A person may not be appointed a guardian if he or she is in the employ of any person, agency, government, or corporation that provides service to the proposed ward in a professional or business capacity, except that a person so employed may be appointed if he or she is the spouse, adult child, parent, or sibling of the proposed ward or the court determines that the potential conflict of interest is insubstantial and that the appointment would clearly be in the proposed ward's best interest. The court may not appoint a guardian in any other circumstance in which a conflict of interest may occur.

Section 160. Section 784.075, Florida Statutes, is amended to read:

784.075 Battery on detention or commitment facility staff.—A person who commits a battery on an intake counselor or case manager, as defined

in s. 984.03(31) ~~39.01(34)~~, on other staff of a detention center or facility as defined in s. 984.03(19) ~~39.01(23)~~, or on a staff member of a commitment facility as defined in s. 985.03(45) ~~39.01(59)(c), (d), or (e)~~, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this section, a staff member of the facilities listed includes persons employed by the Department of Juvenile Justice, persons employed at facilities licensed by the Department of Juvenile Justice, and persons employed at facilities operated under a contract with the Department of Juvenile Justice.

Section 161. Section 933.18, Florida Statutes, is amended to read:

933.18 When warrant may be issued for search of private dwelling.—No search warrant shall issue under this chapter or under any other law of this state to search any private dwelling occupied as such unless:

- (1) It is being used for the unlawful sale, possession, or manufacture of intoxicating liquor;
- (2) Stolen or embezzled property is contained therein;
- (3) It is being used to carry on gambling;
- (4) It is being used to perpetrate frauds and swindles;
- (5) The law relating to narcotics or drug abuse is being violated therein;
- (6) A weapon, instrumentality, or means by which a felony has been committed, or evidence relevant to proving said felony has been committed, is contained therein;
- (7) One or more of the following misdemeanor child abuse offenses is being committed there:
 - (a) Interference with custody, in violation of s. 787.03.
 - (b) Commission of an unnatural and lascivious act with a child, in violation of s. 800.02.
 - (c) Exposure of sexual organs to a child, in violation of s. 800.03.
- (8) It is in part used for some business purpose such as a store, shop, saloon, restaurant, hotel, or boardinghouse, or lodginghouse;
- (9) It is being used for the unlawful sale, possession, or purchase of wildlife, saltwater products, or freshwater fish being unlawfully kept therein; or
- (10) The laws in relation to cruelty to animals have been or are being violated therein, except that no search pursuant to such a warrant shall be made in any private dwelling after sunset and before sunrise unless specially authorized by the judge issuing the warrant, upon a showing of probable cause. Property relating to the violation of such laws may be taken on a warrant so issued from any private dwelling in which it is concealed or

from the possession of any person therein by whom it shall have been used in the commission of such offense or from any person therein in whose possession it may be.

If, during a search pursuant to a warrant issued under this section, a child is discovered and appears to be in imminent danger, the law enforcement officer conducting such search may remove the child from the private dwelling and take the child into protective custody pursuant to chapter 39 s. 415.506. The term “private dwelling” shall be construed to include the room or rooms used and occupied, not transiently but solely as a residence, in an apartment house, hotel, boardinghouse, or lodginghouse. No warrant shall be issued for the search of any private dwelling under any of the conditions hereinabove mentioned except on sworn proof by affidavit of some creditable witness that he or she has reason to believe that one of said conditions exists, which affidavit shall set forth the facts on which such reason for belief is based.

Section 162. Subsection (10) of section 943.045, Florida Statutes, is amended to read:

943.045 Definitions; ss. 943.045-943.08.—The following words and phrases as used in ss. 943.045-943.08 shall have the following meanings:

(10) “Criminal justice agency” means:

- (a) A court.
- (b) The department.
- (c) The Department of Juvenile Justice.

(d) The protective investigations component of the Department of Children and Family Services, which investigates the crimes of abuse and neglect.

(e)(d) Any other governmental agency or subunit thereof which performs the administration of criminal justice pursuant to a statute or rule of court and which allocates a substantial part of its annual budget to the administration of criminal justice.

Section 163. Section 944.401, Florida Statutes, is amended to read:

944.401 Escapes from secure detention or residential commitment facility.—An escape from any secure detention facility maintained for the temporary detention of children, pending adjudication, disposition, or placement; an escape from any residential commitment facility defined in s. 985.03(45) 39.01(59), maintained for the custody, treatment, punishment, or rehabilitation of children found to have committed delinquent acts or violations of law; or an escape from lawful transportation thereto or therefrom constitutes escape within the intent and meaning of s. 944.40 and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 164. Subsection (3) of section 944.705, Florida Statutes, is amended to read:

944.705 Release orientation program.—

(3) Any inmate who claims to be a victim of domestic violence as defined in s. 741.28 shall receive, as part of the release orientation program, referral to the nearest domestic violence center certified under chapter 39 ss. 415.601-415.608.

Section 165. Subsections (2) and (41) of section 984.03, Florida Statutes, as amended by chapter 97-276, Laws of Florida, are amended to read:

984.03 Definitions.—When used in this chapter, the term:

(2) “Abuse” means any willful act that results in any physical, mental, or sexual injury that causes or is likely to cause the child’s physical, mental, or emotional health to be significantly impaired. Corporal discipline of a child by a parent or guardian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child as defined in s. 39.01 415.503.

(41) “Parent” means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1)(b). If a child has been legally adopted, the term “parent” means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. 39.503 39.4051(7) or s. 63.062(1)(b).

Section 166. Subsection (4) of section 984.10, Florida Statutes, is amended to read:

984.10 Intake.—

(4) If the department has reasonable grounds to believe that the child has been abandoned, abused, or neglected, it shall proceed pursuant to the provisions of s. ~~415.505~~ and chapter 39.

Section 167. Paragraphs (a) and (c) of subsection (3) of section 984.15, Florida Statutes, are amended to read:

984.15 Petition for a child in need of services.—

(3)(a) The parent, guardian, or legal custodian may file a petition alleging that a child is a child in need of services if:

1. The department waives the requirement for a case staffing committee.
2. The department fails to convene a meeting of the case staffing committee within 7 days, excluding weekends and legal holidays, after receiving a written request for such a meeting from the child’s parent, guardian, or legal custodian.
3. The parent, guardian, or legal custodian does not agree with the plan for services offered by the case staffing committee.

4. The department fails to provide a written report within 7 days after the case staffing committee meets, as required under s. ~~984.12(8)~~ 39.426(8).

(c) The petition must be in writing and must set forth specific facts alleging that the child is a child in need of services as defined in s. ~~984.03(9)~~ 39.04. The petition must also demonstrate that the parent, guardian, or legal custodian has in good faith, but unsuccessfully, participated in the services and processes described in ss. ~~984.11 and 984.12~~ 39.424 and 39.426.

Section 168. Section 984.24, Florida Statutes, is amended to read:

984.24 Appeal.—The state, any child, or the family, guardian ad litem, or legal custodian of any child who is affected by an order of the court pursuant to this ~~chapter part~~ may appeal to the appropriate district court of appeal within the time and in the manner prescribed by the Florida Rules of Appellate Procedure ~~and pursuant to s. 39.413~~.

Section 169. Subsection (42) of section 985.03, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is amended to read:

985.03 Definitions.—When used in this chapter, the term:

(42) “Parent” means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1)(b). If a child has been legally adopted, the term “parent” means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. ~~39.503~~ 39.4051(7) or s. 63.062(1)(b).

Section 170. Paragraph (c) of subsection (4) of section 985.303, Florida Statutes, is amended to read:

985.303 Neighborhood restorative justice.—

(4) DEFERRED PROSECUTION PROGRAM; PROCEDURES.—

(c) The board shall require the parent or legal guardian of the juvenile who is referred to a Neighborhood Restorative Justice Center to appear with the juvenile before the board at the time set by the board. In scheduling board meetings, the board shall be cognizant of a parent’s or legal guardian’s other obligations. The failure of a parent or legal guardian to appear at the scheduled board meeting with his or her child or ward may be considered by the juvenile court as an act of child neglect as defined by s. ~~39.01~~ 415.503(3), and the board may refer the matter to the Department of Children and Family Services for investigation under the provisions of chapter ~~39~~ 415.

Section 171. There is hereby appropriated to the Department of Children and Family Services, in a lump sum, \$11,000,000 from the Federal Grants Trust Fund to implement the Relative Caregiver Program. The source of funding shall be the Temporary Assistance to Needy Families Block Grant. Any expenditures from the Temporary Assistance for Needy Families block grant shall be expended in accordance with the requirements and

limitations of part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation.

Section 172. There is hereby appropriated to the Justice Administration Commission \$3,500,000 from the General Revenue Fund for the purpose of implementing sections 24, 57, and 88 of this act, relating to right to and appointment of counsel for certain persons.

Section 173. Sections 39.0195, 39.0196, 39.39, 39.403, 39.4032, 39.4052, 39.4053, 39.449, 39.45, 39.457, 39.459, 39.4625, 39.472, 39.475, 415.5016, 415.50165, 415.5017, 415.50175, 415.5018, 415.50185, 415.5019, 415.502, 415.503, 415.505, 415.506, 415.5075, 415.509, and 415.514, Florida Statutes, are repealed.

Section 174. Except as otherwise provided herein, this act shall take effect October 1 of the year in which enacted.

Approved by the Governor June 11, 1998.

Filed in Office Secretary of State June 11, 1998.