

# **Florida Family Law**



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*Text and Commentary*

2019 Statutes

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Finally, I want to express much appreciation to my research assistant, George E. Dahdal, for his invaluable aid.



## Preface

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This book, which contains selected Florida constitutional provisions and statutes, in addition to federal legislation, can be used as a supplement to all domestic relations casebooks. By using this publication, students will learn current Florida law (for the Bar exam and practice) while they sharpen their ability to read and interpret statutes.

The publication also provides practitioners with a handy desktop research tool.

Department refers to the Department of Children and Families unless otherwise specified.

Helpful websites:

- <http://www.leg.state.fl.us/statutes> (Florida statutes)
- <http://www.flcourts.org/resources-and-services/court-improvement/family-law-self-help-information/family-law-forms.shtml> (Florida family law forms)
- <http://www.flcourts.org/resources-and-services/family-courts/family-law-self-help-information/family-law-rules-opinions.shtml> (Florida family law rules and recent opinions)

A revised edition will be published each year to update the statutes. As a result, I would appreciate receiving your comments and suggestions. Please direct them to:

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## Significant Legislative Changes

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Although state legislators amended or created a variety of family law statutes in 2019, the downward trend in total number of bills sent to the Governor for signature continued. In fact, contrast the number of laws relating to domestic relations passed this legislative session with the approximately 500 routinely enacted in the late 1990s.

This section highlights key revisions to the statutes in this book and, for easy reference, provides bill (listed chronologically) and statute numbers, as well as effective dates. Amendments that merely conform provisions to new terminology, delete obsolete definitions, or make minor corrections are not discussed although, of course, they have been made.

Turning to the individual bills, the following substantively modify existing Florida family law statutes or create new ones.

### **2019-7** (Effective April 8, 2019)

An act relating to the Interstate Compact on Educational Opportunity for Military Children.

#### ***Amends § 1000.40***

- Extends scheduled repeal of the compact and related provisions until July 1, 2022 unless reviewed and saved from repeal through reenactment by the Legislature.

### **2019-22** (Effective May 8, 2019)

An act relating to implementation of legislative recommendations of the Marjory Stoneman Douglas High School Public Safety Commission.

#### ***Amends § 1006.07***

- Revises requirements for certain types of emergency drills.
- Mandates district school boards adopt an active assailant response plan.
- Requires each district school superintendent and charter school principal to certify by a specified date, and annually thereafter, that all school personnel have received annual training under the plan.

- Orders threat assessment teams to utilize the behavioral threat assessment instrument.

***Amends § 1006.12***

- Requires district school boards and school district superintendents partner with security agencies to establish or assign safe-school officers.
- Mandates district school boards collaborate with charter school governing boards to facilitate access to all safe-school officer options.

**2019-53** (Effective July 1, 2019)

An act relating to cyberharassment.

***Amends § 784.049***

- Revises legislative intent including adding safeguarding privacy interests to protecting the psychological well-being of victims.
- Redefines terms “personal identifying information” and “sexually cyberharass.”
- Requires person has a reasonable expectation of privacy in an image for the publication or dissemination of the image to qualify as sexual cyberharassment.
- Provides that certain actions do not eliminate such an expectation of privacy.
- Establishes criminal penalties.

**2019-59** (Effective July 1, 2019)

An act relating to anti-Semitism.

***Amends § 1002.20***

- Prohibits discrimination in the Florida K–20 public education system based on religion.

**2019-128** (Effective October 1, 2019)

An act relating to child welfare.

***Amends § 39.001***

- Provides for the name of a child’s guardian ad litem or attorney ad litem to be entered on court orders in dependency proceedings.

***Amends § 39.0136***

- Requires cooperation between certain parties and the court to achieve permanency for a child as soon as possible.
- Mandates the Department of Children and Families ensure parents have the information necessary to contact their case manager.
- Directs a new case manager assigned to a case to notify the parent and provide updated contact information.



- Specifies that continuances and extensions of time by the court on its own motion may not exceed a certain period of time.

***Amends § 39.402***

- States that time limitations governing placement of a child in a shelter do not include continuances requested by the court.
- Requires the court advise parents in plain language what is expected of them to achieve reunification with their child.
- Expands requirements that parents must satisfy to achieve reunification with their child.

***Amends § 39.507***

- Requires the court during an adjudicatory hearing advise parents in plain language of certain requirements to achieve permanency with their child.
- Expands the requirements that parents must satisfy to achieve reunification with their child.

***Amends § 39.521***

- Requires the department serve copies of the case plan and the family functioning assessment on the parents of the child and provide copies of the plan and assessment to the other parties.

***Amends § 39.522***

- Specifies postdisposition hearing, if needed, must occur before a child achieves a permanency placement.

***Amends § 39.6011***

- Mandates written notice in a case plan include certain responsibilities and actions required of the parents and informs the parent that a breach of the case plan by the parent's action or inaction may result in an earlier filing of a petition for termination of parental rights.
- Obligates the department to ensure parent has certain contact information and explains certain strategies included in the case plan.
- Provides a timeframe for referrals for services.

***Amends § 39.6012***

- Expands tasks and services a case plan must describe.

***Amends § 39.621***

- Revises when a court must hold certain hearings relating to dependency cases.

***Amends § 39.806***

- Specifies that grounds for termination of parental rights may be established when a case plan is materially breached by a parent or parents' action or inaction.

***Amends § 39.811***

- Requires court enter written order of disposition within a specified timeframe following termination of parental rights.

**2019-133** (Effective October 1, 2019)

An act relating to hazing.

***Amends § 1006.63***

- Redefines “hazing.”
- Expands crime of hazing, a third degree felony, to include when a person solicits others to commit or is actively involved in the planning of hazing.
- Extends crime of hazing, a first degree misdemeanor, to include when a person solicits others to commit or is actively involved in the planning of hazing.
- Identifies “Andrew’s Law” as short title of statutory additions.
- Lists certain conditions (basically demonstrating that he called for help) that, if present, protect a person from prosecution.
- Provides immunity from prosecution to persons who meet specified requirements (basically showing that he rendered aid until medical personnel arrived).
- Defines the term “aid.”

**2019-142** (Effective July 1, 2019)

An act relating to child welfare.

***Amends § 39.201***

- Requires central abuse hotline accept certain reports or calls for investigation for children who do not live in this state.
- Mandates Department of Children and Families initiate investigation when a report is received from an emergency room physician.

***Amends § 39.303***

- Expands types of reports that the department must refer to Child Protection Teams.

***Amends § 39.4015***

- Deletes definition of term “fictive kin.”

***Amends § 39.407***

- Authorizes psychiatric nurses to prescribe psychotropic medications to certain children.

- Revises the time period within which a court must review a child’s residential treatment plan.

***Amends § 39.5086***

- Deletes definition of term “fictive kin.”

***Amends § 39.6225***

- Includes fictive kin in definition of “relative.”
- Provides guardianship assistance benefits be terminated under certain circumstances such as age and guardian support.

***Amends § 39.6251***

- Requires young adult in extended foster care provide certain documentation or execute a consent for release of certain records.
- Revises permanency goals for young adults in extended foster care.
- Allows return to care through the execution of a voluntary placement agreement.

***Amends § 39.701***

- Revises determinations a court must make to return a child to the custody of his or her parents when the circumstances that caused the out-of-home placement, and any issues subsequently identified, have been remedied so the court is satisfied that reunification will not be detrimental to the child’s safety, well-being, and physical, mental, and emotional health.
- Requires the court issue certain orders when a young adult enters extended foster care.

**2019-156 (Effective July 1, 2019)**

An act relating to caregivers for children in out-of-home care.

***Creates § 39.4087***

- Provides legislative intent that is “[t]o provide the best care to children.”
- Establishes goals for the department to treat foster parents, kinship caregivers, and nonrelative caregivers with dignity, respect, and trust while ensuring delivery of child welfare services is focused on the best interest of the child.”

**2019-167 (Effective October 1, 2019 except as otherwise expressly provided)**

An act relating to administration of justice.

***Amends § 61.13016***

- Provides that a written agreement for payment may include a reasonable period of payment deferral to accommodate an obligor’s good faith job-seeking efforts.

***Amends § 784.048***

- Revises definition of term “cyberstalk.”

***Amends § 960.13***

- Increases timeframe for prompt reporting of a crime to be eligible for a victim compensation award.

***Amends § 960.195***

- Increases timeframe for reporting a criminal or delinquent act resulting in property loss of an elderly person or disabled adult.

***Amends § 960.196***

- Increases timeframe to report certain human trafficking offenses to be eligible for a victim relocation assistance award.
- Provides extension for good cause.