

By the Committee on Children, Families, and Elder Affairs

586-02886-08

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1 A bill to be entitled

2 An act relating to child welfare; amending s. 39.0121,
3 F.S.; authorizing the Department of Children and Family
4 Services to adopt rules providing for locating and
5 recovering missing children who are involved with the
6 department; providing requirements for reports; creating
7 s. 39.0141, F.S.; requiring that the department, the
8 community-based care provider, or sheriff's office file a
9 report following a determination that a child involved
10 with the department is missing; amending s. 787.04, F.S.;
11 prohibiting a person from knowingly and willfully taking
12 or removing a minor from the state or concealing the
13 location of a minor during the pendency of a dependency
14 proceeding or any other action concerning alleged abuse or
15 neglect of the minor; amending s. 937.021, F.S.; requiring
16 that a report of a missing child made by the department, a
17 community-based care provider, or a sheriff's office be
18 treated as a missing child report filed by a parent or
19 guardian; prohibiting a law enforcement agency from
20 requiring an order that a child be taken into custody or
21 any other such order before accepting a missing child
22 report for investigation; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Subsection (16) is added to section 39.0121,
27 Florida Statutes, to read:

28 39.0121 Specific rulemaking authority.--Pursuant to the
29 requirements of s. 120.536, the department is specifically

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30 authorized to adopt, amend, and repeal administrative rules which
31 implement or interpret law or policy, or describe the procedure
32 and practice requirements necessary to implement this chapter,
33 including, but not limited to, the following:

34 (16) Provisions for reporting, locating, recovering, and
35 stabilizing children whose whereabouts become unknown while they
36 are involved with the department and for preventing recurrences
37 of such incidents. The rules shall provide comprehensive,
38 explicit, and consistent guidelines to be followed by the
39 department's employees and contracted providers when the
40 whereabouts of a child involved with the department is unknown.
41 The rules shall include, but need not be limited to, criteria to
42 be used to determine when a child is missing for purposes of
43 making a report to a law enforcement agency, and shall require,
44 at a minimum, that in all cases in which a law enforcement agency
45 has accepted a case for criminal investigation pursuant to s.
46 39.301(2)(c) and the child's whereabouts are unknown, the child
47 shall be considered missing and a report shall be made. The rules
48 shall also include, but need not be limited to, steps to be taken
49 by employees and contracted providers to ensure and provide
50 evidence that parents and guardians have been advised of the
51 requirements of s. 787.04(3) and that violations of s. 787.04(3)
52 are reported.

53 Section 2. Section 39.0141, Florida Statutes, is created to
54 read:

55 39.0141 Missing children; report required.--Whenever the
56 whereabouts of a child involved with the department becomes
57 unknown, the department, the community-based care provider, or
58 the sheriff's office providing investigative services for the

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59 department shall make reasonable efforts, as defined by rule, to
60 locate the child. If the department, the community-based care
61 provider, or the sheriff's office determines, pursuant to rule,
62 that the child is missing, the department, the community-based
63 care provider, or the sheriff's office shall file a report that
64 the child is missing in accordance with s. 937.021.

65 Section 3. Subsection (3) of section 787.04, Florida
66 Statutes, is amended to read:

67 787.04 Removing minors from state or concealing minors
68 contrary to state agency order or court order.--

69 (3) It is unlawful for any person, ~~with criminal intent,~~ to
70 knowingly and willfully lead, take, entice, or remove a minor
71 beyond the limits of this state, or to knowingly and willfully
72 conceal the location of a minor, during the pendency of a
73 dependency proceeding affecting such minor or during the pendency
74 of any investigation, action, or proceeding concerning the
75 alleged abuse or neglect of such minor, after having received
76 actual or constructive notice of the pendency of such
77 investigation, action, or proceeding and without the permission
78 of the state agency or court in which the investigation, action,
79 or proceeding is pending.

80 Section 4. Subsection (1) of section 937.021, Florida
81 Statutes, is amended to read:

82 937.021 Missing child reports.--

83 (1) Upon the filing of a police report that a child is
84 missing by the parent or guardian, the Department of Children and
85 Family Services, a community-based care provider, or a sheriff's
86 office providing investigative services for the department, the
87 law enforcement agency receiving the report shall immediately

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88 | inform all on-duty law enforcement officers of the existence of
89 | the missing child report, communicate the report to every other
90 | law enforcement agency having jurisdiction in the county, and
91 | transmit the report for inclusion within the Florida Crime
92 | Information Center computer. A law enforcement agency may not
93 | require a reporter to present an order that a child be taken into
94 | custody or any other such order before accepting a report that a
95 | child is missing.

96 | Section 5. This act shall take effect July 1, 2008.