

By the Committees on Children, Families, and Elder Affairs;
Children, Families, and Elder Affairs

586-04239A-08

20081048c1

1 A bill to be entitled
2 An act relating to child protection; amending s. 39.01,
3 F.S.; redefining the terms "abandoned," "harm," and
4 "relative"; defining the term "child who has exhibited
5 inappropriate sexual behavior"; amending s. 39.0121, F.S.;
6 authorizing the Department of Children and Family Services
7 to adopt rules providing for locating and recovering
8 missing children who are involved with the department;
9 providing requirements for reports; amending s. 39.0138,
10 F.S.; requiring a criminal history check of persons being
11 considered for placement of a child to include a search of
12 the department's automated abuse information system;
13 authorizing the department to adopt rules establishing
14 standards for evaluating such information; creating s.
15 39.0141, F.S.; requiring the department, the community-
16 based care provider, or sheriff's office to file a report
17 following a determination that a child involved with the
18 department is missing; amending s. 39.201, F.S.; providing
19 for the reporting of a child who has exhibited
20 inappropriate sexual behavior to the central abuse
21 hotline; amending s. 39.301, F.S.; providing certain
22 exceptions to the requirements that a child protective
23 investigation be closed within 60 days; amending s.
24 39.307, F.S.; revising provision relating to the provision
25 of services to a child in cases of child-on-child sexual
26 abuse to include a child who has exhibited inappropriate
27 sexual behavior; amending s. 39.401, F.S.; requiring
28 judicial approval for the placement of a child with a
29 nonrelative; amending s. 39.502, F.S.; providing for

586-04239A-08

20081048c1

30 notice to foster or preadoptive parents of any hearings
31 involving the child in their care; amending s. 39.504,
32 F.S.; revising procedures related to injunctions issued to
33 protect a child; requiring that such injunctions remain in
34 effect until modified or dissolved by the court; amending
35 s. 39.507, F.S.; limiting a court to one order
36 adjudicating dependency; providing for supplemental
37 findings; amending s. 39.521, F.S.; providing an exception
38 from the requirement for a predisposition study in
39 dependency proceedings; conforming cross-references;
40 amending s. 39.701, F.S.; requiring that notice of a
41 judicial review of a child's status be served on certain
42 persons regardless of whether they attended a prior
43 hearing at which the hearing was announced; amending s.
44 39.8055, F.S.; revising provisions relating to filing a
45 petition to terminate parental rights; expanding the
46 grounds for terminating parental rights to include
47 conviction for the murder, manslaughter, or conspiracy to
48 murder another child of the parent; amending s. 39.806,
49 F.S.; adding additional grounds for terminating parental
50 rights; amending s. 39.810, F.S.; providing that if
51 termination of parental rights is in the best interests of
52 the child, it is also the least restrictive means of
53 protecting the child; amending s. 63.032, F.S.; redefining
54 the term "relative"; amending s. 322.142, F.S.;

55 authorizing the Department of Children and Family Services
56 to be provided copies of driver's license files maintained
57 by the Department of Highway Safety and Motor Vehicles for
58 the purpose of conducting protective investigations;

586-04239A-08

20081048c1

59 | amending s. 402.401, F.S., relating to the Florida Child
60 | Welfare Student Loan Forgiveness Program; transferring
61 | administration of the program to the Department of
62 | Children and Family Services; amending s. 409.175, F.S.;
63 | revising requirements for licensure as a foster home or
64 | child-caring agency; deleting the exemption from licensure
65 | for persons who receive a child from the department;
66 | clarifying that a permanent guardian is exempt from
67 | licensure; amending s. 409.401, F.S.; revising provisions
68 | relating to the Interstate Compact on the Placement of
69 | Children; narrowing the applicability of the compact to
70 | children in the foster care system and to the interstate
71 | placement of children for adoption; allowing for
72 | residential facility placement with notice to the
73 | receiving state; allowing for the provisional placement of
74 | children with a relative pending meeting the receiving
75 | state's requirements for the education and training of
76 | prospective foster or adoptive parents; requiring the
77 | development of timeframes for completing the placement
78 | approval process; providing enforcement mechanisms;
79 | creating an Interstate Commission for the Placement of
80 | Children comprised of the member states; establishing
81 | rulemaking authority for the commission; repealing ss.
82 | 409.402 and 409.403, F.S., relating to the Interstate
83 | Compact on the Placement of Children; amending s. 409.404,
84 | F.S.; deleting cross-references; amending s. 787.04, F.S.;
85 | prohibiting a person from knowingly and willfully taking
86 | or removing a minor from the state or concealing the
87 | location of a minor during the pendency of a dependency

586-04239A-08

20081048c1

88 proceeding or any other action concerning alleged abuse or
89 neglect of the minor; amending s. 937.021, F.S.; requiring
90 that a report of a missing child made by the department, a
91 community-based care provider, or a sheriff's office be
92 treated as a missing child report filed by a parent or
93 guardian; prohibiting a law enforcement agency from
94 requiring an order that a child be taken into custody or
95 any other such order before accepting a missing child
96 report for investigation; amending s. 985.04, F.S.;

97 providing for the disclosure of certain records relating
98 to children having a history of inappropriate sexual
99 behavior to schools superintendents; amending chapter
100 2007-174, Laws of Florida; extending the date for the
101 repeal of provisions authorizing the reorganization of the
102 Department of Children and Family Services; providing for
103 retroactive application; amending ss. 39.0015, 39.205,
104 39.302, 39.6011, 39.811, 39.828, and 419.001, F.S.;

105 conforming cross-references; providing an effective date.
106

107 Be It Enacted by the Legislature of the State of Florida:
108

109 Section 1. Subsection (1), paragraph (g) of present
110 subsection (31), and present subsection (63) of section 39.01,
111 Florida Statutes, are amended, present subsections (14) through
112 (74) are renumbered as subsections (15) through (75),
113 respectively, and a new subsection (14) is added to that section,
114 to read:

115 39.01 Definitions.--When used in this chapter, unless the
116 context otherwise requires:

586-04239A-08

20081048c1

117 (1) "Abandoned" or "abandonment" means a situation in which
118 the parent or legal custodian of a child or, in the absence of a
119 parent or legal custodian, the caregiver ~~responsible for the~~
120 ~~child's welfare~~, while being able, makes no provision for the
121 child's support and has failed to establish or maintain a
122 substantial and positive relationship with the child. For
123 purposes of this subsection, "establish or maintain a substantial
124 and positive relationship" includes, but is not limited to,
125 frequent and regular contact with the child through frequent and
126 regular visitation or frequent and regular communication to or
127 with the child, and the exercise of parental rights and
128 responsibilities. Incidental or token visits or communications
129 are not sufficient to establish or maintain a substantial and
130 positive relationship with a child. and makes no effort to
131 ~~communicate with the child, which situation is sufficient to~~
132 ~~evince a willful rejection of parental obligations. If the~~
133 ~~efforts of the parent or legal custodian, or caregiver primarily~~
134 ~~responsible for the child's welfare, to support and communicate~~
135 ~~with the child are, in the opinion of the court, only marginal~~
136 ~~efforts that do not evince a settled purpose to assume all~~
137 ~~parental duties, the court may declare the child to be abandoned.~~
138 The term "abandoned" does not include an abandoned newborn infant
139 as described in s. 383.50, a "child in need of services" as
140 defined in chapter 984, or a "family in need of services" as
141 defined in chapter 984. The incarceration of a parent, legal
142 custodian, or caregiver responsible for a child's welfare may
143 support a finding of abandonment.

144 (14) "Child who has exhibited inappropriate sexual
145 behavior" means a child who is 12 years of age or younger and who

586-04239A-08

20081048c1

146 has been found by the department or the court to have committed
147 an inappropriate sexual act on himself or herself or another
148 individual.

149 ~~(32)(31)~~ "Harm" to a child's health or welfare can occur
150 when any person:

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

153 1. A test, administered at birth, which indicated that the
154 child's blood, urine, or meconium contained any amount of alcohol
155 or a controlled substance or metabolites of such substances, the
156 presence of which was not the result of medical treatment
157 administered to the mother or the newborn infant ~~Use by the~~
158 ~~mother of a controlled substance or alcohol during pregnancy when~~
159 ~~the child, at birth, is demonstrably adversely affected by such~~
160 ~~usage; or~~

161 2. Evidence of extensive, abusive, and ~~Continued~~ chronic
162 ~~and severe~~ use of a controlled substance or alcohol by a parent
163 when the child is demonstrably adversely affected by such usage.
164

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

169 ~~(64)(63)~~ "Relative" means a grandparent, great-grandparent,
170 sibling, first cousin, aunt, uncle, great-aunt, great-uncle,
171 niece, or nephew, whether related by the whole or half blood, by
172 affinity, or by adoption. The term may include the adoptive
173 parent of a blood sibling who was adopted from the child welfare
174 system. The term does not include a stepparent.

586-04239A-08

20081048c1

175 Section 2. Subsection (16) is added to section 39.0121,
176 Florida Statutes, to read:

177 39.0121 Specific rulemaking authority.--Pursuant to the
178 requirements of s. 120.536, the department is specifically
179 authorized to adopt, amend, and repeal administrative rules which
180 implement or interpret law or policy, or describe the procedure
181 and practice requirements necessary to implement this chapter,
182 including, but not limited to, the following:

183 (16) Provisions for reporting, locating, recovering, and
184 stabilizing children whose whereabouts become unknown while they
185 are involved with the department and for preventing recurrences
186 of such incidents. At a minimum, the rules must:

187 (a) Provide comprehensive, explicit, and consistent
188 guidelines to be followed by the department's employees and
189 contracted providers when the whereabouts of a child involved
190 with the department is unknown.

191 (b) Include criteria to determine when a child is missing
192 for purposes of making a report to a law enforcement agency, and
193 require that in all cases in which a law enforcement agency has
194 accepted a case for criminal investigation pursuant to s.
195 39.301(2)(c) and the child's whereabouts are unknown, the child
196 shall be considered missing and a report made.

197 (c) Include steps to be taken by employees and contracted
198 providers to ensure and provide evidence that parents and
199 guardians have been advised of the requirements of s. 787.04(3)
200 and that violations are reported.

201 Section 3. Subsection (1) of section 39.0138, Florida
202 Statutes, is amended, and subsection (8) is added to that
203 section, to read:

586-04239A-08

20081048c1

204 39.0138 Criminal history records check; limit on placement
205 of a child.--

206 (1) The department shall conduct a criminal history records
207 check on ~~for~~ all persons being considered by the department ~~for~~
208 ~~approval~~ for placement of a child subject to a placement decision
209 under this chapter, including all nonrelative placement
210 decisions, all members of the household of the person being
211 considered, and frequent visitors to the household. For purposes
212 of this section, a criminal history records check may include,
213 but is not limited to, submission of fingerprints to the
214 Department of Law Enforcement for processing and forwarding to
215 the Federal Bureau of Investigation for state and national
216 criminal history information, and local criminal records checks
217 through local law enforcement agencies. A criminal history
218 records check must also include a search of the department's
219 automated abuse information system. The department shall
220 establish by rule standards for evaluating any information
221 contained in the automated system relating to a person who must
222 be screened for purposes of making a placement decision.

223 Section 4. Section 39.0141, Florida Statutes, is created to
224 read:

225 39.0141 Missing children; report required.--Whenever the
226 whereabouts of a child involved with the department becomes
227 unknown, the department, the community-based care provider, or
228 the sheriff's office providing investigative services for the
229 department shall make reasonable efforts, as defined by rule, to
230 locate the child. If, pursuant to criteria established by rule,
231 the child is determined to be missing, the department, the

586-04239A-08

20081048c1

232 community-based care provider, or the sheriff's office shall file
233 a report that the child is missing in accordance with s. 937.021.

234 Section 5. Paragraph (f) of subsection (2) of section
235 39.201, Florida Statutes, is amended to read:

236 39.201 Mandatory reports of child abuse, abandonment, or
237 neglect; mandatory reports of death; central abuse hotline.--

238 (2)

239 (f) Reports involving a known or suspected juvenile sexual
240 offender or a child who has exhibited inappropriate sexual
241 behavior shall be made and received by the department.

242 1. The department shall determine the age of the alleged
243 ~~juvenile sexual~~ offender, if known.

244 2. ~~If~~ When the alleged ~~juvenile sexual~~ offender is 12 years
245 of age or younger, the central abuse hotline shall immediately
246 electronically transfer the call to the appropriate law
247 enforcement agency office. The department shall conduct an
248 assessment and assist the family in receiving appropriate
249 services pursuant to s. 39.307, and send a written report of the
250 allegation to the law enforcement agency ~~appropriate county~~
251 ~~sheriff's office~~ within 48 hours after the initial report is made
252 to the central abuse hotline.

253 3. ~~If~~ When the alleged ~~juvenile sexual~~ offender is 13 years
254 of age or older, the central abuse hotline ~~department~~ shall
255 immediately electronically transfer the call to the appropriate
256 law enforcement agency ~~county sheriff's office by the central~~
257 ~~abuse hotline~~, and send a written report to the law enforcement
258 agency ~~appropriate county sheriff's office~~ within 48 hours after
259 the initial report to the central abuse hotline.

586-04239A-08

20081048c1

260 Section 6. Subsection (16) of section 39.301, Florida
261 Statutes, is amended to read:

262 39.301 Initiation of protective investigations.--

263 (16) The department shall complete its protective
264 investigation within ~~No later than~~ 60 days after receiving the
265 initial report, unless: the local office of the department shall
266 complete its investigation.

267 (a) There is also an active, concurrent criminal
268 investigation that is continuing beyond the 60-day period and the
269 closure of the protective investigation may compromise successful
270 criminal prosecution of the child abuse or neglect case, in which
271 case the closure date shall coincide with the closure date of the
272 criminal investigation and any resulting legal action.

273 (b) In child death cases, the final report of the medical
274 examiner is necessary for the department to close its
275 investigation, and the report has not been received within the
276 60-day period, in which case the report closure date shall be
277 extended to accommodate to the report.

278 (c) A child who is necessary to an investigation has been
279 declared missing by the department, a law enforcement agency, or
280 a court, in which case the 60-day period shall be extended until
281 the child has been located or until sufficient information exists
282 to close the investigation despite the unknown location of the
283 child.

284 Section 7. Subsections (2), (3), (4), and (5) of section
285 39.307, Florida Statutes, are amended to read:

286 39.307 Reports of child-on-child sexual abuse.--

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

586-04239A-08

20081048c1

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

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

295 2. The name and office telephone number of the person
296 responding shall be provided to the caregiver of the alleged
297 juvenile sexual offender or child who has exhibited inappropriate
298 sexual behavior and the victim's caregiver.

299 3. The possible consequences of the department's response,
300 including outcomes and services, shall be explained to the
301 caregiver of the alleged juvenile sexual offender or child who
302 has exhibited inappropriate sexual behavior and the victim's
303 ~~family or~~ caregiver.

304 (b) The caregiver of the alleged juvenile sexual offender
305 or child who has exhibited inappropriate sexual behavior and the
306 victim's caregiver ~~of the victim~~ shall be involved to the fullest
307 extent possible in determining the nature of the allegation and
308 the nature of any problem or risk to other children.

309 (c) The assessment of risk and the perceived treatment
310 needs of the alleged juvenile sexual offender or child who has
311 exhibited inappropriate sexual behavior, the victim, and
312 respective caregivers shall be conducted by the district staff,
313 the child protection team of the Department of Health, and other
314 providers under contract with the department to provide services
315 to the caregiver of the alleged offender, the victim, and the
316 victim's caregiver.

586-04239A-08

20081048c1

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

320 (e) If ~~When~~ necessary, the child protection team of the
321 Department of Health shall conduct a physical examination of the
322 victim, which is sufficient to meet forensic requirements.

323 (f) Based on the information obtained from the alleged
324 juvenile sexual offender or child who has exhibited inappropriate
325 sexual behavior, his or her ~~the alleged juvenile sexual~~
326 ~~offender's~~ caregiver, the victim, and the victim's caregiver, an
327 assessment service and treatment needs report must be completed
328 within 7 days and, if needed, a case plan developed within 30
329 days.

330 (g) The department shall classify the outcome of ~~its~~
331 ~~initial assessment~~ of the report as follows:

332 1. Report closed. Services were not offered ~~to the alleged~~
333 ~~juvenile sexual offender~~ because the department determined that
334 there was no basis for intervention.

335 2. Services accepted by alleged offender. Services were
336 offered to the alleged juvenile sexual offender or child who has
337 exhibited inappropriate sexual behavior and accepted by the
338 caregiver.

339 3. Report closed. Services were offered to the alleged
340 juvenile sexual offender or child who has exhibited inappropriate
341 sexual behavior, but were rejected by the caregiver.

342 4. Notification to law enforcement. ~~Either~~ The risk to the
343 victim's safety and well-being cannot be reduced by the provision
344 of services or the caregiver ~~family~~ rejected services, and

586-04239A-08

20081048c1

345 notification of the alleged delinquent act or violation of law to
346 the appropriate law enforcement agency was initiated.

347 5. Services accepted by victim. Services were offered to
348 the victim ~~of the alleged juvenile sexual offender~~ and accepted
349 by the caregiver.

350 6. Report closed. Services were offered to the victim ~~of~~
351 ~~the alleged juvenile sexual offender,~~ but were rejected by the
352 caregiver.

353 (3) If ~~When~~ services have been accepted by the alleged
354 juvenile sexual offender or child who has exhibited inappropriate
355 sexual behavior, the victim, and respective caregivers ~~or family,~~
356 the department shall designate a case manager and develop a
357 specific case plan.

358 (a) Upon receipt of the plan, the caregiver ~~or family~~ shall
359 indicate its acceptance of the plan in writing.

360 (b) The case manager shall periodically review the progress
361 toward achieving the objectives of the plan in order to:

362 1. Make adjustments to the plan or take additional action
363 as provided in this part; or

364 2. Terminate the case if ~~when~~ indicated by successful or
365 substantial achievement of the objectives of the plan.

366 (4) Services provided to the alleged juvenile sexual
367 offender or child who has exhibited inappropriate sexual
368 behavior, the victim, and respective caregivers or family must be
369 voluntary and of necessary duration.

370 (5) ~~(4)~~ If ~~In the event~~ the family or caregiver of the
371 alleged juvenile sexual offender or child who has exhibited
372 inappropriate sexual behavior fails to adequately participate or
373 allow for the adequate participation of the child ~~juvenile sexual~~

586-04239A-08

20081048c1

374 ~~offender~~ in the services or treatment delineated in the case
375 plan, the case manager may recommend that the department:

376 (a) Close the case;

377 (b) Refer the case to mediation or arbitration, if
378 available; or

379 (c) Notify the appropriate law enforcement agency of
380 failure to comply.

381 ~~(5) Services to the alleged juvenile sexual offender, the~~
382 ~~victim, and respective caregivers or family under this section~~
383 ~~shall be voluntary and of necessary duration.~~

384 Section 8. Subsection (3) of section 39.401, Florida
385 Statutes, is amended, and subsection (5) is added to that
386 section, to read:

387 39.401 Taking a child alleged to be dependent into custody;
388 law enforcement officers and authorized agents of the
389 department.--

390 (3) If the child is taken into custody by, or is delivered
391 to, an authorized agent of the department, the ~~authorized~~ agent
392 shall review the facts supporting the removal with an attorney
393 representing the department. The purpose of the ~~this~~ review is
394 ~~shall be~~ to determine whether there is probable cause ~~exists~~ for
395 the filing of a shelter petition.

396 (a) If the facts are not sufficient ~~to support the filing~~
397 ~~of a shelter petition~~, the child shall immediately be returned to
398 the custody of the parent or legal custodian.

399 (b) If the facts are sufficient ~~to support the filing of~~
400 ~~the shelter petition~~ and the child has not been returned to the
401 custody of the parent or legal custodian, the department shall
402 file the petition and schedule a hearing, and the attorney

586-04239A-08

20081048c1

403 representing the department shall request that a shelter hearing
404 be held within ~~as quickly as possible, not to exceed~~ 24 hours
405 after the removal of the child. While awaiting the shelter
406 hearing, the authorized agent of the department may place the
407 child in licensed shelter care or may release the child to a
408 parent or legal custodian or responsible adult relative who shall
409 be given priority consideration over a licensed placement, or a
410 responsible adult approved by the department if when this is in
411 the best interests of the child. ~~Any~~ Placement of a child which
412 is not in a licensed shelter must be preceded by a criminal
413 history records check as required under s. 39.0138 ~~local and~~
414 ~~state criminal records check, as well as a search of the~~
415 ~~department's automated abuse information system, on all members~~
416 ~~of the household, to assess the child's safety within the home.~~
417 In addition, the department may authorize placement of a
418 housekeeper/homemaker in the home of a child alleged to be
419 dependent until the parent or legal custodian assumes care of the
420 child.

421 (5) Judicial review and approval is required within 24
422 hours after placement for all nonrelative placements. A
423 nonrelative placement must be for a specific and predetermined
424 period of time, not to exceed 12 months, and shall be reviewed by
425 the court at least every 6 months. If the nonrelative placement
426 continues for longer than 12 months, the department shall request
427 the court to establish permanent guardianship or require that the
428 nonrelative seek licensure as a foster care provider within 30
429 days after the court decision.

430 Section 9. Subsection (17) of section 39.502, Florida
431 Statutes, is amended to read:

586-04239A-08

20081048c1

432 39.502 Notice, process, and service.--

433 (17) The parent or legal custodian of the child, the
434 attorney for the department, the guardian ad litem, the foster or
435 preadoptive parents, and all other parties and participants shall
436 be given reasonable notice of all proceedings and hearings
437 provided for under this part. All foster or preadoptive parents
438 must be provided with at least 72 hours' notice, verbally or in
439 writing, of all proceedings or hearings relating to children in
440 their care or children they are seeking to adopt to ensure the
441 ability to provide input to the court.

442 Section 10. Section 39.504, Florida Statutes, is amended to
443 read:

444 39.504 Injunction pending disposition of petition;
445 penalty.--

446 (1)(a) At any time after a protective investigation has
447 been initiated pursuant to part III of this chapter ~~When a~~
448 ~~petition for shelter placement or a petition for dependency has~~
449 ~~been filed or when a child has been taken into custody and~~
450 ~~reasonable cause, as defined in paragraph (b), exists, the court,~~
451 upon the request of the department, a law enforcement officer,
452 the state attorney, or other responsible person, or upon its own
453 motion, may, if there is reasonable cause, ~~shall have the~~
454 ~~authority to~~ issue an injunction to prevent any act of child
455 abuse or any unlawful sexual offense involving a child.

456 ~~(b)~~ Reasonable cause for the issuance of an injunction
457 exists if there is evidence of child abuse ~~or an unlawful sexual~~
458 ~~offense involving a child~~ or if there is a reasonable likelihood
459 of such abuse ~~or offense~~ occurring based upon a recent overt act
460 or failure to act.

586-04239A-08

20081048c1

461 (2) Notice shall be provided to the parties as set forth in
462 the Florida Rules of Juvenile Procedure, unless the child is
463 reported to be in imminent danger, in which case the court may
464 issue an injunction immediately. A judge may issue an emergency
465 injunction pursuant to this section without notice if at times
466 ~~when~~ the court is closed for the transaction of judicial
467 business. If ~~When such~~ an immediate injunction is issued, the
468 court must ~~shall~~ hold a hearing on the next day of judicial
469 business ~~either~~ to dissolve the injunction or to continue or
470 modify it in accordance with ~~the other provisions of this~~
471 section.

472 (3) ~~(a) If In every instance in which~~ an injunction is
473 issued under this section, the primary purpose of the injunction
474 must be ~~shall be primarily~~ to protect and promote the best
475 interests of the child, taking the preservation of the child's
476 immediate family into consideration. ~~The effective period of the~~
477 ~~injunction shall be determined by the court, except that the~~
478 ~~injunction will expire at the time of the disposition of the~~
479 ~~petition for shelter placement or dependency.~~

480 ~~(a)(b)~~ The injunction shall apply to the alleged or actual
481 offender in a case of child abuse or acts of domestic violence ~~an~~
482 ~~unlawful sexual offense involving a child~~. The conditions of the
483 injunction shall be determined by the court, which conditions may
484 include ordering the alleged or actual offender to:

- 485 1. Refrain from further abuse or acts of domestic violence
486 ~~unlawful sexual activity involving a child~~.
- 487 2. Participate in a specialized treatment program.
- 488 3. Limit contact or communication with the child victim,
489 other children in the home, or any other child.

586-04239A-08

20081048c1

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

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

493 6. Pay temporary support for the child or other family
494 members; the costs of medical, psychiatric, and psychological
495 treatment for the child ~~victim~~ incurred as a result of the
496 offenses; and similar costs for other family members.

497 7. Vacate the home in which the child resides.

498 (b)(e) If the intent of the injunction is to protect the
499 child from domestic violence, the conditions may also include:

500 1. Awarding the exclusive use and possession of the
501 dwelling to the caregiver or excluding the alleged or actual
502 offender from the residence of the caregiver.

503 2. Awarding the temporary custody of the child to the
504 caregiver.

505 3. Establishing temporary support for the child. ~~At any~~
506 ~~time prior to the disposition of the petition, the alleged or~~
507 ~~actual offender may offer the court evidence of changed~~
508 ~~circumstances as a ground to dissolve or modify the injunction.~~

509
510 This paragraph does not preclude the adult victim of domestic
511 violence from seeking protection under s. 741.30.

512 (c) The terms of the injunction shall remain in effect
513 until modified or dissolved by the court. The petitioner,
514 respondent, or caregiver may move at any time to modify or
515 dissolve the injunction. The injunction is valid and enforceable
516 in all counties in the state.

517 (4) A copy of any injunction issued pursuant to this
518 section shall be delivered to the ~~protected party, or a parent or~~

586-04239A-08

20081048c1

519 ~~caregiver or individual acting in the place of a parent who is~~
520 ~~not the respondent by, and to any law enforcement agency having~~
521 jurisdiction to enforce the such injunction. Upon delivery of the
522 injunction to the appropriate law enforcement agency, the agency
523 shall have the duty and responsibility to enforce the injunction,
524 and law enforcement officers may exercise their arrest powers as
525 provided in s. 901.15(6).

526 (5) Any person who fails to comply with an injunction
527 issued pursuant to this section commits ~~is guilty of~~ a
528 misdemeanor of the first degree, punishable as provided in s.
529 775.082 or s. 775.083.

530 Section 11. Subsection (7) of section 39.507, Florida
531 Statutes, is amended to read:

532 39.507 Adjudicatory hearings; orders of adjudication.--

533 (7) (a) For as long as a court maintains jurisdiction over a
534 dependency case, only one order adjudicating each child in the
535 case dependent shall be entered. This order establishes the legal
536 status of the child for purposes of proceedings under this
537 chapter and may be based on the conduct of one parent, both
538 parents, or a legal custodian.

539 (b) Upon a properly noticed motion, a subsequent
540 evidentiary hearing may be held regarding the conduct of one
541 parent, both parents, or a custodian. With court approval,
542 supplemental findings made beyond a preponderance of the evidence
543 may be entered. The child's dependency status may not be retried
544 or readjudicated.

545 (c) If a court adjudicates a child dependent and the child
546 is in out-of-home care, the court shall inquire of the parent or
547 parents whether the parents have relatives who might be

586-04239A-08

20081048c1

548 considered as a placement for the child. The court shall advise
549 the parents that, if the parents fail to substantially comply
550 with the case plan, their parental rights may be terminated and
551 that the child's out-of-home placement may become permanent. The
552 parent or parents shall provide to the court and all parties
553 identification and location information of the relatives.

554 Section 12. Paragraphs (a) and (f) of subsection (1) of
555 section 39.521, Florida Statutes, are amended to read:

556 39.521 Disposition hearings; powers of disposition.--

557 (1) A disposition hearing shall be conducted by the court,
558 if the court finds that the facts alleged in the petition for
559 dependency were proven in the adjudicatory hearing, or if the
560 parents or legal custodians have consented to the finding of
561 dependency or admitted the allegations in the petition, have
562 failed to appear for the arraignment hearing after proper notice,
563 or have not been located despite a diligent search having been
564 conducted.

565 (a) A written case plan and a predisposition study prepared
566 by an authorized agent of the department must be filed with the
567 court, ~~and~~ served upon the parents of the child, provided to the
568 representative of the guardian ad litem program, if the program
569 has been appointed, and provided to all other parties, not less
570 than 72 hours before the disposition hearing. All such case plans
571 must be approved by the court. If the court does not approve the
572 case plan at the disposition hearing, the court must set a
573 hearing within 30 days after the disposition hearing to review
574 and approve the case plan. The court may grant an exception to
575 the requirement for a predisposition study by separate order or
576 within the judge's order of disposition upon finding that all the

586-04239A-08

20081048c1

577 family and child information required by subsection (2) is
578 available in other documents filed with the court.

579 (f) If the court places the child in an out-of-home
580 placement, the disposition order must include a written
581 determination that the child cannot safely remain at home with
582 reunification or family preservation services and that removal of
583 the child is necessary to protect the child. If the child is ~~has~~
584 ~~been~~ removed before the disposition hearing, the order must also
585 include a written determination as to whether, after removal, the
586 department ~~has~~ made a reasonable effort to reunify the parent and
587 child, ~~if reasonable efforts are required~~. Reasonable efforts to
588 reunify are not required if the court finds ~~has found~~ that any of
589 the acts listed in s. 39.806(1)(f)-(l) ~~s. 39.806(1)(f)-(i)~~ have
590 occurred. The department has the burden of demonstrating that it
591 ~~has made reasonable efforts under this paragraph~~.

592 1. For the purposes of this paragraph, the term "reasonable
593 effort" means the exercise of reasonable diligence and care by
594 the department to provide the services ordered by the court or
595 delineated in the case plan.

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

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

600 b. If prevention or reunification efforts were indicated,
601 include a brief written description of what appropriate and
602 available prevention and reunification efforts were made.

603 c. Indicate in writing why further efforts could or could
604 not have prevented or shortened the separation of the parent and
605 child.

586-04239A-08

20081048c1

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

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

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

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

620 d. The parent is alleged to have committed any of the acts
621 listed as grounds for expedited termination of parental rights
622 under s. 39.806(1)(f)-(l) in s. 39.806(1)(f)-(i).

623 4. A reasonable effort by the department for reunification
624 ~~of the parent and child~~ has been made if the appraisal of the
625 home situation by the department indicates that the severity of
626 the conditions of dependency is such that reunification efforts
627 are inappropriate. The department has the burden of demonstrating
628 to the court that reunification efforts were inappropriate.

629 5. If the court finds that the prevention or reunification
630 effort of the department would not have permitted the child to
631 remain safely at home, the court may commit the child to the
632 temporary legal custody of the department or take any other
633 action authorized by this chapter.

586-04239A-08

20081048c1

634 Section 13. Subsection (5) of section 39.701, Florida
635 Statutes, is amended to read:

636 39.701 Judicial review.--

637 (5) Notice of a judicial review hearing or a citizen review
638 panel hearing, and a copy of the motion for judicial review, if
639 any, must be served by the clerk of the court upon on all of the
640 following persons regardless of whether the person was present at
641 the previous hearing at which the date, time, and location of the
642 hearing was announced:

643 (a) The social service agency charged with the supervision
644 of care, custody, or guardianship of the child, if that agency is
645 not the movant.

646 (b) The foster parent or legal custodian in whose home the
647 child resides.

648 (c) The parents.

649 (d) The guardian ad litem for the child, or the
650 representative of the guardian ad litem program if the program
651 has been appointed.

652 (e) The attorney for the child.

653 (f) The child, if the child is 15 years of age or older.

654 (g)~~(e)~~ Any preadoptive parent.

655 (h)~~(f)~~ Such other persons as the court may ~~in its~~
656 ~~discretion~~ direct.

657
658 ~~Service of notice is not required on any of the persons listed in~~
659 ~~paragraphs (a) (f) if the person was present at the previous~~
660 ~~hearing during which the date, time, and location of the hearing~~
661 ~~was announced.~~

586-04239A-08

20081048c1

662 Section 14. Subsection (1) of section 39.8055, Florida
663 Statutes, is amended to read:

664 39.8055 Requirement to file a petition to terminate
665 parental rights; exceptions.--

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

668 (a) At the time of the 12-month judicial review hearing, a
669 child is not returned to the physical custody of the parents;

670 (b) A petition for termination of parental rights has not
671 otherwise been filed, and the child has been in out-of-home care
672 under the responsibility of the state for 12 ~~15~~ of the most
673 recent 22 months, calculated on a cumulative basis, but not
674 including any trial home visits or time during which the child
675 was a runaway;

676 (c) A parent has been convicted of the murder ~~of the other~~
677 ~~parent~~, manslaughter ~~of the other parent~~, aiding or abetting the
678 murder, or conspiracy or solicitation to murder the other parent
679 or another child of the parent, or a felony battery that resulted
680 in serious bodily injury to the child or to another ~~any other~~
681 child of the parent; or

682 (d) A court determines that reasonable efforts to reunify
683 the child and parent are not required.

684 Section 15. Paragraphs (e) through (h) of subsection (1) of
685 section 39.806, Florida Statutes, are amended, paragraphs (j),
686 (k), and (l) are added to that subsection, and subsections (2),
687 (3), and (4) of that section are amended, to read:

688 39.806 Grounds for termination of parental rights.--

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

586-04239A-08

20081048c1

691 (e) ~~The~~ ~~When~~ a child has been adjudicated dependent, a case
692 plan has been filed with the court, and the parent or parents
693 have materially breached the case plan. For purposes of this
694 subsection, the term "materially breached" means:

695 1. The child continues to be abused, neglected, or
696 abandoned by the parent or parents. ~~In this case,~~ The failure of
697 the parent or parents to substantially comply for a period of 9-
698 months ~~12 months~~ after an adjudication of the child as a
699 dependent child or the child's placement into shelter care,
700 whichever occurs ~~came~~ first, constitutes evidence of continuing
701 abuse, neglect, or abandonment unless the failure to
702 substantially comply with the case plan was due ~~either~~ to the
703 parent's lack of financial resources ~~of the parents~~ or to the
704 failure of the department to make reasonable efforts to reunify
705 the parent and child. The 9-month ~~12-month~~ period begins to run
706 only after the child's placement into shelter care or the entry
707 of a disposition order placing the custody of the child with the
708 department or a person other than the parent and the court's
709 approval ~~by the court~~ of a case plan having the ~~with a~~ goal of
710 reunification with the parent, whichever occurs ~~came~~ first; ~~or~~

711 2. The parent or parents are unlikely or unable ~~The parent~~
712 ~~has materially breached the case plan by making it unlikely that~~
713 ~~he or she will be able to substantially comply with the case plan~~
714 ~~before the time for compliance expires; or. Time is of the~~
715 ~~essence for permanency of children in the dependency system. In~~
716 ~~order to prove the parent has materially breached the case plan,~~
717 ~~the court must find by clear and convincing evidence that the~~
718 ~~parent is unlikely or unable to substantially comply with the~~
719 ~~case plan before time expires to comply with the case plan.~~

586-04239A-08

20081048c1

720 3. The parent or parents, although able, fail to maintain
721 frequent and regular contact with the child through frequent and
722 regular visitation or communication.

723 (f) ~~When~~ The parent or parents engaged in egregious conduct
724 or had the opportunity and capability to prevent and knowingly
725 failed to prevent egregious conduct that threatens the life,
726 safety, or physical, mental, or emotional health of the child or
727 the child's sibling.

728 1. As used in this subsection, the term "sibling" means
729 another child who resides with or is cared for by the parent or
730 parents regardless of whether the child is related legally or by
731 consanguinity.

732 2. As used in this subsection, the term "egregious conduct"
733 means abuse, abandonment, neglect, or any other conduct ~~of the~~
734 ~~parent or parents~~ that is deplorable, flagrant, or outrageous by
735 a normal standard of conduct. Egregious conduct may include an
736 act or omission that occurred only once but was of such
737 intensity, magnitude, or severity as to endanger the life of the
738 child.

739 (g) ~~When~~ The parent or parents have subjected the child or
740 another child to aggravated child abuse as defined in s. 827.03,
741 sexual battery or sexual abuse as defined in s. 39.01, or chronic
742 abuse.

743 (h) ~~When~~ The parent or parents have been convicted of the
744 murder, manslaughter, aiding or abetting the murder, or
745 conspiracy or solicitation to murder the other parent or another
746 child, or a felony battery that resulted in serious bodily injury
747 to the child or to another child ~~committed murder or voluntary~~
748 ~~manslaughter of another child, or a felony assault that results~~

586-04239A-08

20081048c1

749 ~~in serious bodily injury to the child or another child, or aided~~
750 ~~or abetted, attempted, conspired, or solicited to commit such a~~
751 ~~murder or voluntary manslaughter or felony assault.~~

752 (i) ~~When~~ The parental rights of the parent to a sibling of of
753 the child have been terminated involuntarily.

754 (j) The parent or parents have a history of extensive,
755 abusive, and chronic use of alcohol or a controlled substance
756 which renders them incapable of caring for the child, and have
757 refused or failed to complete available treatment for such use
758 during the 3-year period immediately preceding the filing of the
759 petition for termination of parental rights.

760 (k) A test administered at birth that indicated that the
761 child's blood, urine, or meconium contained any amount of alcohol
762 or a controlled substance or metabolites of such substances, the
763 presence of which was not the result of medical treatment
764 administered to the mother or the newborn infant, and the
765 biological mother of the child is the biological mother of at
766 least one other child who was adjudicated dependent after a
767 finding of harm to the child's health or welfare due to exposure
768 to a controlled substance or alcohol as defined in s.
769 39.01(31)(g), after which the biological mother had the
770 opportunity to participate in substance abuse treatment.

771 (l) On three or more occasions the child or another child
772 of the parent or parents has been placed in out-of-home care
773 pursuant to this chapter, and the conditions that led to the
774 child's out-of-home placement were caused by the parent or
775 parents.

776 (2) Reasonable efforts to preserve and reunify families are
777 not required if a court of competent jurisdiction has determined

586-04239A-08

20081048c1

778 that any of the events described in paragraphs (1)(e)-(1) ~~(1)(e)-~~
779 ~~(i)~~ have occurred.

780 (3) If ~~When~~ a petition for termination of parental rights
781 is filed under subsection (1), a separate petition for dependency
782 need not be filed and the department need not offer the parents a
783 case plan having ~~with~~ a goal of reunification, but may instead
784 file with the court a case plan having ~~with~~ a goal of termination
785 of parental rights to allow continuation of services until the
786 termination is granted or until further orders of the court are
787 issued.

788 (4) If ~~When~~ an expedited termination of parental rights
789 petition is filed, reasonable efforts shall be made to place the
790 child in a timely manner in accordance with the permanency plan,
791 and to complete whatever steps are necessary to finalize the
792 permanent placement of the child.

793 Section 16. Section 39.810, Florida Statutes, is amended to
794 read:

795 39.810 Manifest best interests of the child.--In a hearing
796 on a petition for termination of parental rights, the court shall
797 consider the manifest best interests of the child. This
798 consideration shall not include a comparison between the
799 attributes of the parents and those of any persons providing a
800 present or potential placement for the child. For the purpose of
801 determining the manifest best interests of the child, the court
802 shall consider and evaluate all relevant factors, including, but
803 not limited to:

804 (1) Any suitable permanent custody arrangement with a
805 relative of the child. However, the availability of a nonadoptive
806 placement with a relative may not receive greater consideration

586-04239A-08

20081048c1

807 | than any other factor weighing on the manifest best interest of
808 | the child and may not be considered as a factor weighing against
809 | termination of parental rights. If a child has been in a stable
810 | or preadoptive placement for not less than 6 months, the
811 | availability of a different placement, including a placement with
812 | a relative, may not be considered as a ground to deny the
813 | termination of parental rights.

814 | (2) The ability and disposition of the parent or parents to
815 | provide the child with food, clothing, medical care or other
816 | remedial care recognized and permitted under state law instead of
817 | medical care, and other material needs of the child.

818 | (3) The capacity of the parent or parents to care for the
819 | child to the extent that the child's safety, well-being, and
820 | physical, mental, and emotional health will not be endangered
821 | upon the child's return home.

822 | (4) The present mental and physical health needs of the
823 | child and such future needs of the child to the extent that such
824 | future needs can be ascertained based on the present condition of
825 | the child.

826 | (5) The love, affection, and other emotional ties existing
827 | between the child and the child's parent or parents, siblings,
828 | and other relatives, and the degree of harm to the child that
829 | would arise from the termination of parental rights and duties.

830 | (6) The likelihood of an older child remaining in long-term
831 | foster care upon termination of parental rights, due to emotional
832 | or behavioral problems or any special needs of the child.

833 | (7) The child's ability to form a significant relationship
834 | with a parental substitute and the likelihood that the child will

586-04239A-08

20081048c1

835 enter into a more stable and permanent family relationship as a
836 result of permanent termination of parental rights and duties.

837 (8) The length of time that the child has lived in a
838 stable, satisfactory environment and the desirability of
839 maintaining continuity.

840 (9) The depth of the relationship existing between the
841 child and the present custodian.

842 (10) The reasonable preferences and wishes of the child, if
843 the court deems the child to be of sufficient intelligence,
844 understanding, and experience to express a preference.

845 (11) The recommendations for the child provided by the
846 child's guardian ad litem or legal representative.

847

848 If the court finds that termination of parental rights is in the
849 manifest best interests of the child, the court shall also find
850 that termination of parental rights is the least restrictive
851 means of protecting the child.

852 Section 17. Subsection (14) of section 63.032, Florida
853 Statutes, is amended to read:

854 63.032 Definitions.--As used in this chapter, the term:

855 (14) "Relative" means a person related by blood to the
856 person being adopted within the third degree of consanguinity.
857 However, the term may include the adoptive parent of a blood
858 sibling who was adopted from the child welfare system.

859 Section 18. Subsection (4) of section 322.142, Florida
860 Statutes, is amended to read:

861 322.142 Color photographic or digital imaged licenses.--

862 (4) The department may maintain a film negative or print
863 file. The department shall maintain a record of the digital image

586-04239A-08

20081048c1

864 and signature of the licensees, together with other data required
865 by the department for identification and retrieval. Reproductions
866 from the file or digital record are exempt from the provisions of
867 s. 119.07(1) and shall be made and issued only for departmental
868 administrative purposes; for the issuance of duplicate licenses;
869 in response to law enforcement agency requests; to the Department
870 of State pursuant to an interagency agreement to facilitate
871 determinations of eligibility of voter registration applicants
872 and registered voters in accordance with ss. 98.045 and 98.075;
873 to the Department of Revenue pursuant to an interagency agreement
874 for use in establishing paternity and establishing, modifying, or
875 enforcing support obligations in Title IV-D cases; to the
876 Department of Children and Family Services pursuant to an
877 interagency agreement to conduct protective investigations under
878 part III of chapter 39; or to the Department of Financial
879 Services pursuant to an interagency agreement to facilitate the
880 location of owners of unclaimed property, the validation of
881 unclaimed property claims, and the identification of fraudulent
882 or false claims, ~~and are exempt from the provisions of s.~~
883 ~~119.07(1).~~

884 Section 19. Section 402.401, Florida Statutes, is amended
885 to read:

886 402.401 Florida Child Welfare Student Loan Forgiveness
887 Program.--

888 ~~(1)~~ There is created the Florida Child Welfare Student Loan
889 Forgiveness Program to be administered by the Department of
890 Children and Family Services Education. The program shall provide
891 loan reimbursement assistance to eligible employees in child
892 welfare positions that are critical to the department's mission,

586-04239A-08

20081048c1

893 as determined by the department, and that are within the
894 department, sheriff's offices, or contracted community-based care
895 agencies ~~students for upper-division undergraduate and graduate~~
896 ~~study. The primary purpose of the program is to attract capable~~
897 ~~and promising students to the child welfare profession, increase~~
898 ~~employment and retention of individuals who are working towards~~
899 ~~or who have received either a bachelor's degree or a master's~~
900 ~~degree in social work, or any human services subject area that~~
901 ~~qualifies the individual for employment as a family services~~
902 ~~worker, and provide opportunities for persons making midcareer~~
903 ~~decisions to enter the child welfare profession. The State Board~~
904 ~~of Education shall adopt rules necessary to administer the~~
905 ~~program.~~

906 ~~(2)(a)~~ To be eligible for a program loan, the employee's
907 outstanding student loans may not be in a default status. ~~a~~
908 ~~candidate shall:~~

909 ~~1. Be a full-time student at the upper-division~~
910 ~~undergraduate or graduate level in a social work program approved~~
911 ~~by the Council on Social Work Education leading to either a~~
912 ~~bachelor's degree or a master's degree in social work or an~~
913 ~~accredited human services degree program.~~

914 ~~2. Have declared an intent to work in child welfare for at~~
915 ~~least the number of years for which a forgivable loan is received~~
916 ~~at the Department of Children and Family Services or its~~
917 ~~successor, or with an eligible lead community-based provider as~~
918 ~~defined in s. 409.1671.~~

919 ~~3. If applying for an undergraduate forgivable loan, have~~
920 ~~maintained a minimum cumulative grade point average of at least a~~
921 ~~2.5 on a 4.0 scale for all undergraduate work. Renewal applicants~~

586-04239A-08

20081048c1

922 ~~for undergraduate loans shall have maintained a minimum~~
923 ~~cumulative grade point average of at least a 2.5 on a 4.0 scale~~
924 ~~for all undergraduate work and have earned at least 12 semester~~
925 ~~credits per term, or the equivalent.~~

926 ~~4. If applying for a graduate forgivable loan, have~~
927 ~~maintained an undergraduate cumulative grade point average of at~~
928 ~~least a 3.0 on a 4.0 scale or have attained a Graduate Record~~
929 ~~Examination score of at least 1,000. Renewal applicants for~~
930 ~~graduate loans shall have maintained a minimum cumulative grade~~
931 ~~point average of at least a 3.0 on a 4.0 scale for all graduate~~
932 ~~work and have earned at least 9 semester credits per term, or the~~
933 ~~equivalent.~~

934 ~~(b) An undergraduate forgivable loan may be awarded for 2~~
935 ~~undergraduate years, not to exceed \$4,000 per year.~~

936 ~~(c) A graduate forgivable loan may be awarded for 2~~
937 ~~graduate years, not to exceed \$8,000 per year. In addition to~~
938 ~~meeting criteria specified in paragraph (a), a loan recipient at~~
939 ~~the graduate level shall:~~

940 ~~1. Hold a bachelor's degree from a school or department of~~
941 ~~social work at any college or university accredited by the~~
942 ~~Council on Social Work Education, or hold a degree in a human~~
943 ~~services field from an accredited college or university.~~

944 ~~2. Not have received an undergraduate forgivable loan as~~
945 ~~provided for in paragraph (b).~~

946 ~~(d) The State Board of Education shall adopt by rule~~
947 ~~repayment schedules and applicable interest rates under ss.~~
948 ~~1009.82 and 1009.95. A forgivable loan must be repaid within 10~~
949 ~~years after completion of a program of studies.~~

586-04239A-08

20081048c1

950 1. ~~Credit for repayment of an undergraduate or graduate~~
951 ~~forgivable loan shall be in an amount not to exceed \$4,000 in~~
952 ~~loan principal plus applicable accrued interest for each full~~
953 ~~year of eligible service in the child welfare profession.~~

954 2. ~~Any forgivable loan recipient who fails to work at the~~
955 ~~Department of Children and Family Services or its successor, or~~
956 ~~with an eligible lead community-based provider as defined in s.~~
957 ~~409.1671, is responsible for repaying the loan plus accrued~~
958 ~~interest at 8 percent annually.~~

959 3. ~~Forgivable loan recipients may receive loan repayment~~
960 ~~credit for child welfare service rendered at any time during the~~
961 ~~scheduled repayment period. However, such repayment credit shall~~
962 ~~be applicable only to the current principal and accrued interest~~
963 ~~balance that remains at the time the repayment credit is earned.~~
964 ~~No loan recipient shall be reimbursed for previous cash payments~~
965 ~~of principal and interest.~~

966 ~~(3) This section shall be implemented only as specifically~~
967 ~~funded.~~

968 Section 20. Paragraph (a) of subsection (4) of section
969 409.175, Florida Statutes, is amended to read:

970 409.175 Licensure of family foster homes, residential
971 child-caring agencies, and child-placing agencies; public records
972 exemption.--

973 (4) (a) A person, family foster home, or residential child-
974 caring agency may ~~shall~~ not provide ~~receive a child for~~
975 continuing full-time child care or custody unless such person,
976 home, or agency has first procured a license from the department
977 to provide such care. This requirement does not apply to a person
978 who is a relative of the child by blood, marriage, or adoption,

586-04239A-08

20081048c1

979 ~~er to a permanent legal guardian established under s. 39.6221, a~~
980 ~~person who has received the child from the department,~~ a licensed
981 child-placing agency, or an intermediary for the purposes of
982 adoption pursuant to chapter 63.

983 Section 21. Section 409.401, Florida Statutes, is amended
984 to read:

985 (Substantial rewording of section. See s. 409.401,
986 F.S., for present text.)

987 409.401 Interstate Compact on the Placement of
988 Children.--The Interstate Compact on the Placement of Children is
989 enacted into law and entered into with all other jurisdictions
990 substantially as follows:

991 (1) ARTICLE I; PURPOSE.--The purpose of the compact is to:

992 (a) Provide a process through which children subject to
993 this compact are placed in safe and suitable homes in a timely
994 manner.

995 (b) Facilitate ongoing supervision of a placement, the
996 delivery of services, and communication between the states.

997 (c) Provide operating procedures that ensure that children
998 are placed in safe and suitable homes in a timely manner.

999 (d) Provide for the adoption and enforcement of rules to
1000 administer the provisions of this compact and regulating the
1001 covered activities of the member states.

1002 (e) Provide for uniform data collection and information
1003 sharing between member states.

1004 (f) Promote coordination between this compact, the
1005 Interstate Compact for Juveniles, the Interstate Compact on
1006 Adoption and Medical Assistance and other compacts affecting the

586-04239A-08

20081048c1

1007 placement of and which provide services to children otherwise
1008 subject to this compact.

1009 (g) Provide for a state's continuing legal jurisdiction and
1010 responsibility for placement and care of a child that it would
1011 have had if the placement were intrastate.

1012 (h) Provide for the adoption of guidelines, in
1013 collaboration with Indian tribes, for interstate cases involving
1014 Indian children as allowed by federal law.

1015 (2) ARTICLE II; DEFINITIONS.--As used in this compact, the
1016 term:

1017 (a) "Approved placement" means the public child-placing
1018 agency in the receiving state has determined that the placement
1019 is both safe and suitable for the child.

1020 (b) "Assessment" means an evaluation of a prospective
1021 placement by a public child-placing agency to determine whether
1022 the placement meets the individualized needs of the child,
1023 including the child's safety and stability, health and well-
1024 being, and mental, emotional, and physical development. An
1025 assessment is only applicable to a placement by a public child-
1026 placing agency.

1027 (c) "Child" means an individual who is younger than 18.

1028 (d) "Certification" means to attest, declare, or sworn to
1029 before a judge or notary public.

1030 (e) "Default" means the failure of a member state to
1031 perform the obligations or responsibilities imposed upon it by
1032 this compact, the bylaws, or rules of the Interstate Commission.

1033 (f) "Home study" means an evaluation of a home environment
1034 conducted in accordance with the applicable requirements of the
1035 state in which the home is located, and documents the preparation

586-04239A-08

20081048c1

1036 and the suitability of the placement resource for placement of a
1037 child in accordance with the laws and requirements of the state
1038 in which the home is located.

1039 (g) "Indian tribe" means any Indian tribe, band, nation, or
1040 other organized group or community of Indians recognized as
1041 eligible for services provided to Indians by the Secretary of the
1042 Interior because of their status as Indians, including any
1043 Alaskan native village as defined in the Alaska Native Claims
1044 settlement Act at 43 U.S.C. s. 1602(c).

1045 (h) "Interstate Commission" means the "Interstate
1046 Commission for the Placement of Children" created under Article
1047 VIII of this compact.

1048 (i) "Jurisdiction" means the power and authority of a court
1049 to hear and decide matters.

1050 (j) "Legal risk placement" or "legal risk adoption" means a
1051 placement made before an adoption where the prospective adoptive
1052 parents acknowledge in writing that a child can be ordered
1053 returned to the sending state or the birth mother's state of
1054 residence, if different from the sending state, and a final
1055 decree of adoption may not be entered in any jurisdiction until
1056 all required consents are obtained or are dispensed with in
1057 accordance with applicable law.

1058 (k) "Member state" means a state that has enacted this
1059 compact.

1060 (l) "Noncustodial parent" means a person who, at the time
1061 of the commencement of court proceedings in the sending state,
1062 does not have sole legal custody of the child or has joint legal
1063 custody of a child, and who is not the subject of allegations or
1064 findings of child abuse or neglect.

586-04239A-08

20081048c1

1065 (m) "Nonmember state" means a state that has not enacted
1066 this compact.

1067 (n) "Notice of residential placement" means information
1068 regarding a placement into a residential facility provided to the
1069 receiving state including, but not limited to the name, date and
1070 place of birth of the child, the identity and address of the
1071 parent or legal guardian, evidence of authority to make the
1072 placement, and the name and address of the facility in which the
1073 child is to be placed. Notice of residential placement also
1074 includes information regarding a discharge and any unauthorized
1075 absence from the facility.

1076 (o) "Placement" means the act by a public or private child-
1077 placing agency for the purpose of arranging for the care or
1078 custody of a child in another state.

1079 (p) "Private child-placing agency" means any private
1080 corporation, agency, foundation, institution, or charitable
1081 organization, or any private person or attorney that facilitates,
1082 causes, or is involved in the placement of a child from one state
1083 to another and that is not an instrumentality of the state or
1084 acting under color of state law.

1085 (q) "Provisional placement" means a determination made by
1086 the public child-placing agency in the receiving state that the
1087 proposed placement is safe and suitable, and, to the extent
1088 allowable, the receiving state has temporarily waived its
1089 standards or requirements otherwise applicable to prospective
1090 foster or adoptive parents so as to not delay the placement.
1091 Completion of the receiving state requirements regarding training
1092 for prospective foster or adoptive parents may not delay an
1093 otherwise safe and suitable placement.

586-04239A-08

20081048c1

1094 (r) "Public child-placing agency" means any government
1095 child welfare agency or child protection agency or a private
1096 entity under contract with such an agency, regardless of whether
1097 they act on behalf of a state, county, municipality or other
1098 governmental unit and which facilitates, causes, or is involved
1099 in the placement of a child from one state to another.

1100 (s) "Receiving state" means the state to which a child is
1101 sent or brought.

1102 (t) "Relative" means someone who is related to the child as
1103 a parent, step-parent, sibling by half or whole blood or by
1104 adoption, grandparent, aunt, uncle, or first cousin or a
1105 nonrelative who has such significant ties to the child that they
1106 may be regarded as relatives as determined by the court in the
1107 sending state.

1108 (u) "Residential Facility" means a facility providing a
1109 level of care that is sufficient to substitute for parental
1110 responsibility or foster care, and is beyond what is needed for
1111 assessment or treatment of an acute condition. For purposes of
1112 the compact, residential facilities do not include institutions
1113 primarily educational in character, hospitals, or other medical
1114 facilities.

1115 (v) "Rule" means a written directive, mandate, standard or
1116 principle issued by the Interstate Commission, adopted pursuant
1117 to Article XI of this compact, that is of general applicability
1118 and that implements, interprets or prescribes a policy or
1119 provision of the compact. "Rule" has the force and effect of an
1120 administrative rule in a member state, and includes the
1121 amendment, repeal, or suspension of an existing rule.

586-04239A-08

20081048c1

1122 (w) "Sending state" means the state from which the
1123 placement of a child is initiated.

1124 (x) "Service member's permanent duty station" means the
1125 military installation where an active duty Armed Services member
1126 is currently assigned and is physically located under orders that
1127 do not specify the duty as temporary.

1128 (y) "Service member's state of legal residence" means the
1129 state in which the active duty Armed Services member is
1130 considered a resident for tax and voting purposes.

1131 (z) "State" means a state of the United States, the
1132 District of Columbia, the Commonwealth of Puerto Rico, the United
1133 States Virgin Islands, Guam, American Samoa, the Northern
1134 Marianas Island, and any other territory of the United States.

1135 (aa) "State court" means a judicial body of a state that is
1136 vested by law with responsibility for adjudicating cases
1137 involving abuse, neglect, deprivation, delinquency, or status
1138 offenses of individuals who have not attained the age of 18.

1139 (bb) "Supervision" means monitoring provided by the
1140 receiving state once a child has been placed in a that state
1141 pursuant to this compact.

1142 (3) ARTICLE III; APPLICABILITY.--

1143 (a) Except as otherwise provided in this Article,
1144 subsection (b), this compact shall apply to:

1145 1. The interstate placement of a child subject to ongoing
1146 court jurisdiction in the sending state due to allegations or
1147 findings that the child has been abused, neglected, or deprived
1148 as defined by the laws of the sending state, if the placement of
1149 the child into a residential facility only requires notice of
1150 residential placement to the receiving state prior to placement.

586-04239A-08

20081048c1

1151 2. The interstate placement of a child adjudicated
1152 delinquent or unmanageable based on the laws of the sending state
1153 and subject to ongoing court jurisdiction of the sending state
1154 if:

1155 a. The child is being placed in a residential facility in
1156 another member state and is not covered under another compact; or

1157 b. The child is being placed in another member state and
1158 the determination of safety and suitability of the placement and
1159 services required is not provided through another compact.

1160 3. The interstate placement of a child by a public child-
1161 placing agency or private child-placing agency as a preliminary
1162 step to a possible adoption.

1163 (b) This compact does not apply to:

1164 1. The interstate placement of a child with a nonrelative
1165 in a receiving state by a parent having the legal authority to
1166 make such a placement if the placement is not intended to
1167 effectuate an adoption.

1168 2. The interstate placement of a child by one relative
1169 having the lawful authority to make such a placement directly
1170 with a relative in a receiving state.

1171 3. The placement of a child, not subject to paragraph (a),
1172 into a residential facility by his parent.

1173 4. The placement of a child with a noncustodial parent if:

1174 a. The noncustodial parent proves to the satisfaction of a
1175 court in the sending state a substantial relationship with the
1176 child;

1177 b. The court in the sending state makes a written finding
1178 that placement with the noncustodial parent is in the best
1179 interests of the child; and

586-04239A-08

20081048c1

1180 c. The court in the sending state dismisses its
1181 jurisdiction over the child's case.

1182 5. A child entering the United States from a foreign
1183 country for the purpose of adoption or leaving the United States
1184 to go to a foreign country for the purpose of adoption in that
1185 country.

1186 6. Cases in which a United States citizen child living
1187 overseas with his or her parents, at least one of whom is in the
1188 Armed Services, and who is stationed overseas, is removed and
1189 placed in a state.

1190 7. The sending of a child by a public child-placing agency
1191 or a private child-placing agency for a visit as defined by the
1192 rules of the Interstate Commission.

1193 (c) For purposes of determining the applicability of this
1194 compact to the placement of a child with a family in the Armed
1195 Services, the public child-placing agency or private child-
1196 placing agency may choose the state of the service member's
1197 permanent duty station or the service member's declared legal
1198 residence.

1199 (d) The provisions of this compact may be applied
1200 concurrently with other applicable interstate compacts including
1201 the Interstate Compact for Juveniles and the Interstate Compact
1202 on Adoption and Medical Assistance. The Interstate Commission
1203 may, in cooperation with other interstate compact commissions
1204 having responsibility for the interstate movement, placement or
1205 transfer of children, adopt like rules to ensure the coordination
1206 of services, timely placement of children, and the reduction of
1207 unnecessary or duplicative administrative or procedural
1208 requirements.

586-04239A-08

20081048c1

- 1209 (4) ARTICLE IV; JURISDICTION.--
- 1210 (a) Except as provided in subsection (g) concerning private
- 1211 and independent adoptions, the sending state shall retain
- 1212 jurisdiction over a child with respect to all matters of custody
- 1213 and disposition of the child which it would have had if the child
- 1214 had remained in the sending state. Such jurisdiction shall also
- 1215 include the power to order the return of the child to the sending
- 1216 state.
- 1217 (b) If an issue of child protection or custody is brought
- 1218 before a court in the receiving state, such court shall confer
- 1219 with the court of the sending state to determine the most
- 1220 appropriate forum for adjudication.
- 1221 (c) In accordance with its own laws, the court in the
- 1222 sending state may terminate its jurisdiction if:
- 1223 1. The child is reunified with the parent in the receiving
- 1224 state who is the subject of allegations or findings of abuse or
- 1225 neglect, only with the concurrence of the public child-placing
- 1226 agency in the receiving state;
- 1227 2. The child is adopted;
- 1228 3. The child reaches the age of majority under the laws of
- 1229 the sending state;
- 1230 4. The child achieves legal independence pursuant to the
- 1231 laws of the sending state;
- 1232 5. A guardianship is created by a court in the receiving
- 1233 state with the concurrence of the court in the sending state;
- 1234 6. An Indian tribe has petitioned for and received
- 1235 jurisdiction from the court in the sending state; or

586-04239A-08

20081048c1

1236 7. The public child-placing agency of the sending state
1237 requests termination and has obtained the concurrence of the
1238 public child-placing agency in the receiving the state.

1239 (d) If a sending state court terminates its jurisdiction,
1240 the receiving state child-placing agency must be notified.

1241 (e) The provisions of this article may not defeat a claim
1242 of jurisdiction by a receiving state court necessary for dealing
1243 with an act of truancy, delinquency, crime, or behavior involving
1244 a child as defined by the laws of the receiving state committed
1245 by the child in the receiving state which is a violation of its
1246 laws.

1247 (f) The provisions of this article may not limit the
1248 receiving state's ability to take emergency jurisdiction for the
1249 protection of the child.

1250 (g) The substantive laws of the state in which an adoption
1251 is finalized shall govern all issues relating to the adoption of
1252 the child and the court in which the adoption proceeding is filed
1253 shall have subject matter jurisdiction regarding all substantive
1254 issues relating to the adoption, except:

1255 1. If the child is a ward of another court that established
1256 jurisdiction over the child prior to the placement;

1257 2. If the child is in the legal custody of a public agency
1258 in the sending state; or

1259 3. If a court in the sending state has otherwise
1260 appropriately assumed jurisdiction over the child, prior to the
1261 submission of the request for approval of placement.

1262 (h) A final decree of adoption may not be entered in any
1263 jurisdiction until the placement is authorized as an "approved

586-04239A-08

20081048c1

1264 placement" by the public child-placing agency in the receiving
1265 state.

1266 (5) ARTICLE V; PLACEMENT EVALUATION.--

1267 (a) Before sending, bringing, or causing a child to be sent
1268 or brought into a receiving state, the public child-placing
1269 agency must provide a written request for assessment to the
1270 receiving state.

1271 (b) For placements by a private child-placing agency, a
1272 child may be sent or brought into a receiving state upon receipt
1273 and review of a request for approval of a placement in both the
1274 sending and receiving state public child-placing agency. The
1275 required content for a request for provisional approval must
1276 include all of following:

1277 1. A request for approval identifying the child, birth
1278 parent, the prospective adoptive parent, and the supervising
1279 agency, signed by the person requesting approval;

1280 2. Certification by a licensed attorney or other authorized
1281 agent that the consent or relinquishment is in compliance with
1282 the applicable laws of the sending state, or if allowed, the laws
1283 of the state where finalization of the adoption occurs;

1284 3. A home study; and

1285 4. An acknowledgment of legal risk signed by the
1286 prospective adoptive parents.

1287 (c) The sending state and the receiving state may request
1288 additional information or documents before finalizing an approved
1289 placement, but may not delay travel by the prospective adoptive
1290 parents with the child if the required content for approval has
1291 been submitted, received and reviewed by the public child-placing
1292 agency in both the sending state and the receiving state.

586-04239A-08

20081048c1

1293 (d) Approval from the public child-placing agency in the
1294 receiving state for a provisional or approved placement is
1295 required as provided for in the rules of the Interstate
1296 Commission.

1297 (e) The procedures for making and the request for an
1298 assessment must contain all information and be in a form as
1299 provided for in the rules of the Interstate Commission.

1300 (f) Upon receipt of a request from the public child-placing
1301 agency of the sending state, the receiving state shall initiate
1302 an assessment of the proposed placement to determine its safety
1303 and suitability. If the proposed placement is with a relative,
1304 the public child-placing agency of the sending state may request
1305 a determination for a provisional placement.

1306 (g) The public child-placing agency in the receiving state
1307 may request from the public child-placing agency or the private
1308 child-placing agency in the sending state, and is entitled to
1309 receive, supporting or additional information necessary to
1310 complete the assessment or approve the placement.

1311 (h) The public child-placing agency in the receiving state
1312 shall approve a provisional placement and complete or arrange for
1313 the completion of the assessment within the timeframes
1314 established by the rules of the Interstate Commission.

1315 (i) For a placement by a private child-placing agency, the
1316 sending state may not impose any additional requirements for
1317 completing the home study that are not required by the receiving
1318 state, unless the adoption is finalized in the sending state.

1319 (j) The Interstate Commission may develop uniform standards
1320 for the assessment of the safety and suitability of interstate
1321 placements.

586-04239A-08

20081048c1

1322 (6) ARTICLE VI; PLACEMENT AUTHORITY.--

1323 (a) Except as otherwise provided in this compact, a child
1324 subject to this compact may not be placed into a receiving state
1325 until approval for such placement is obtained.

1326 (b) If the public child-placing agency in the receiving
1327 state does not approve the proposed placement then the child may
1328 not be placed. The receiving state shall provide written
1329 documentation of any such determination in accordance with the
1330 rules adopted by the Interstate Commission. Such determination is
1331 not subject to judicial review in the sending state.

1332 (c) If the proposed placement is not approved, any
1333 interested party has standing to seek an administrative review of
1334 the receiving state's determination.

1335 1. The administrative review and any further judicial
1336 review associated with the determination shall be conducted in
1337 the receiving state pursuant to its applicable administrative
1338 procedures.

1339 2. If a determination not to approve the placement of the
1340 child in the receiving state is overturned upon review, the
1341 placement shall be deemed approved if all administrative or
1342 judicial remedies have been exhausted or the time for such
1343 remedies has passed.

1344 (7) ARTICLE VII; PLACING AGENCY RESPONSIBILITY.--

1345 (a) For the interstate placement of a child made by a
1346 public child-placing agency or state court:

1347 1. The public child-placing agency in the sending state
1348 shall have financial responsibility for:

586-04239A-08

20081048c1

1349 a. The ongoing support and maintenance of the child during
1350 the period of the placement, unless otherwise provided for in the
1351 receiving state; and

1352 b. As determined by the public child-placing agency in the
1353 sending state, services for the child beyond the public services
1354 for which the child is eligible in the receiving state.

1355 2. The receiving state shall have financial responsibility
1356 only for:

1357 a. Any assessment conducted by the receiving state;

1358 b. Supervision conducted by the receiving state at the
1359 level necessary to support the placement as agreed upon by the
1360 public child-placing agencies of the receiving and sending
1361 states.

1362 c. Public child-placing agencies in the sending state may
1363 enter into agreements with licensed agencies or persons in the
1364 receiving state to conduct assessments and provide supervision.

1365 (b) For the placement of a child by a private child-placing
1366 agency preliminary to a possible adoption, the private child-
1367 placing agency is:

1368 1. Legally responsible for the child during the period of
1369 placement as provided in the law of the sending state until the
1370 finalization of the adoption.

1371 2. Financially responsible for the child absent a
1372 contractual agreement to the contrary.

1373 (c) The public child-placing agency in the receiving state
1374 shall provide timely assessments, as provided for in the rules of
1375 the Interstate Commission.

1376 (d) The public child-placing agency in the receiving state
1377 shall provide, or arrange for the provision of, supervision and

586-04239A-08

20081048c1

1378 services for the child, including timely reports, during the
1379 period of the placement.

1380 (e) The public child-placing agency in the receiving state
1381 may contract with a licensed agency or person in the receiving
1382 state for an assessment or the provision of supervision or
1383 services for the child and may authorize the provision of
1384 supervision or services by a licensed agency during the period of
1385 placement.

1386 (f) Each member state shall provide for coordination among
1387 its branches of government concerning the state's participation
1388 in, and compliance with, the compact and Interstate Commission
1389 activities, through the creation of an advisory council or use of
1390 an existing body or board.

1391 (g) Each member state shall establish a central state
1392 compact office that is responsible for state compliance with the
1393 compact and the rules of the Interstate Commission.

1394 (h) The public child-placing agency in the sending state
1395 shall oversee compliance with the provisions of the Indian Child
1396 Welfare Act, 25 U.S.C. 1901 et seq., for placements subject to
1397 the provisions of this compact, prior to placement.

1398 (i) With the consent of the Interstate Commission, states
1399 may enter into limited agreements that facilitate the timely
1400 assessment and provision of services and supervision of
1401 placements under this compact.

1402 (8) ARTICLE VIII; INTERSTATE COMMISSION FOR THE PLACEMENT
1403 OF CHILDREN.--The member states hereby establish, by way of this
1404 compact, a commission known as the "Interstate Commission for the
1405 Placement of Children." The activities of the Interstate

586-04239A-08

20081048c1

1406 Commission are the formation of public policy and are a
1407 discretionary state function. The Interstate Commission shall:

1408 (a) Be a joint commission of the member states and shall
1409 have the responsibilities, powers, and duties set forth herein,
1410 and such additional powers as may be conferred upon it by
1411 subsequent concurrent action of the respective legislatures of
1412 the member states.

1413 (b) Consist of one commissioner from each member state who
1414 is appointed by the head of the state human services agency
1415 having ultimate responsibility for the child welfare program. The
1416 appointed commissioner shall have the legal authority to vote on
1417 policy-related matters governed by this compact binding the
1418 state.

1419 1. Each member state represented at a meeting of the
1420 Interstate Commission is entitled to one vote.

1421 2. A majority of the member states shall constitute a
1422 quorum for the transaction of business, unless a larger quorum is
1423 required by the bylaws of the Interstate Commission.

1424 3. A representative may not delegate a vote to another
1425 member state.

1426 4. A representative may delegate voting authority to
1427 another person from their state for a specified meeting.

1428 (c) In addition to the commissioners of each member state,
1429 the Interstate Commission shall include persons who are members
1430 of interested organizations as defined in the bylaws or rules of
1431 the Interstate Commission. Such members are ex officio and are
1432 not entitled to vote on any matter before the Interstate
1433 Commission.

586-04239A-08

20081048c1

1434 (d) Establish an executive committee that has is authorized
1435 to administer the day-to-day operations and administration of the
1436 Interstate Commission. It may not engage in rulemaking.

1437 (9) ARTICLE IX; POWERS AND DUTIES OF THE INTERSTATE
1438 COMMISSION.--The Interstate Commission shall have the following
1439 powers:

1440 (a) To adopt rules and take all necessary actions to effect
1441 the goals, purposes, and obligations as enumerated in this
1442 compact.

1443 (b) To provide for dispute resolution among member states.

1444 (c) To issue, upon request of a member state, advisory
1445 opinions concerning the meaning or interpretation of the
1446 interstate compact, its bylaws, rules, or actions.

1447 (d) To enforce compliance with this compact or the bylaws
1448 or rules of the Interstate Commission pursuant to Article XII.

1449 (e) Collect standardized data concerning the interstate
1450 placement of children subject to this compact as directed through
1451 its rules, which shall specify the data to be collected, the
1452 means of collection, and data exchange and reporting
1453 requirements.

1454 (f) To establish and maintain offices as may be necessary
1455 for the transacting of its business.

1456 (g) To purchase and maintain insurance and bonds.

1457 (h) To hire or contract for services of personnel or
1458 consultants as necessary to carry out its functions under the
1459 compact and establish personnel qualification policies, and rates
1460 of compensation.

1461 (i) To establish and appoint committees and officers,
1462 including an executive committee as required by Article X.

586-04239A-08

20081048c1

1463 (j) To accept any and all donations and grants of money,
1464 equipment, supplies, materials, and services, and to receive,
1465 use, and dispose thereof.

1466 (k) To lease, purchase, accept contributions or donations
1467 of, or otherwise to own, hold, improve, or use any property,
1468 real, personal, or mixed.

1469 (l) To sell, convey, mortgage, pledge, lease, exchange,
1470 abandon, or otherwise dispose of any property, real, personal, or
1471 mixed.

1472 (m) To establish a budget and make expenditures.

1473 (n) To adopt a seal and bylaws governing the management and
1474 operation of the Interstate Commission.

1475 (o) To report annually to the legislatures, governors, the
1476 judiciary, and state advisory councils of the member states
1477 concerning the activities of the Interstate Commission during the
1478 preceding year. Such reports shall also include any
1479 recommendations that may have been adopted by the Interstate
1480 Commission.

1481 (p) To coordinate and provide education, training, and
1482 public awareness regarding the interstate movement of children
1483 for officials involved in such activity.

1484 (q) To maintain books and records in accordance with the
1485 bylaws of the Interstate Commission.

1486 (r) To perform such functions as may be necessary or
1487 appropriate to achieve the purposes of this compact.

1488 (10) ARTICLE X; ORGANIZATION AND OPERATION OF THE
1489 INTERSTATE COMMISSION.--

1490 (a) Bylaws.--

586-04239A-08

20081048c1

1491 1. Within 12 months after the first Interstate Commission
1492 meeting, the Interstate Commission shall adopt bylaws to govern
1493 its conduct as may be necessary or appropriate to carry out the
1494 purposes of the compact.

1495 2. The Interstate Commission's bylaws and rules shall
1496 establish conditions and procedures under which the Interstate
1497 Commission shall make its information and official records
1498 available to the public for inspection or copying. The Interstate
1499 Commission may exempt from disclosure information or official
1500 records to the extent they would adversely affect personal
1501 privacy rights or proprietary interests.

1502 (b) Meetings.--

1503 1. The Interstate Commission shall meet at least once each
1504 calendar year. The chairperson may call additional meetings and,
1505 upon the request of a simple majority of the member states shall
1506 call additional meetings.

1507 2. Public notice shall be given by the Interstate
1508 Commission of all meetings and all meetings shall be open to the
1509 public, except as set forth in the rules or as otherwise provided
1510 in the compact. The Interstate Commission and its committees may
1511 close a meeting, or portion thereof, where it determines by two-
1512 thirds vote that an open meeting would be likely to:

1513 a. Relate solely to the Interstate Commission's internal
1514 personnel practices and procedures;

1515 b. Disclose matters specifically exempted from disclosure
1516 by federal law;

1517 c. Disclose financial or commercial information that is
1518 privileged, proprietary or confidential in nature;

586-04239A-08

20081048c1

1519 d. Involve accusing a person of a crime, or formally
1520 censuring a person;

1521 e. Disclose information of a personal nature where
1522 disclosure would constitute a clearly unwarranted invasion of
1523 personal privacy or physically endanger one or more persons;

1524 f. Disclose investigative records compiled for law
1525 enforcement purposes; or

1526 g. Specifically relate to the Interstate Commission's
1527 participation in a civil action or other legal proceeding.

1528 3. For a meeting, or portion of a meeting, closed pursuant
1529 to this paragraph, the Interstate Commission's legal counsel or
1530 designee shall certify that the meeting may be closed and shall
1531 reference each relevant exemption provision. The Interstate
1532 Commission shall keep minutes that fully and clearly describe all
1533 matters discussed in a meeting and shall provide a full and
1534 accurate summary of actions taken, and the reasons therefore,
1535 including a description of the views expressed and the record of
1536 a roll call vote. All documents considered in connection with an
1537 action shall be identified in the minutes. All minutes and
1538 documents of a closed meeting shall remain under seal, subject to
1539 release by a majority vote of the Interstate Commission or by
1540 court order.

1541 4. The bylaws may provide for meetings of the Interstate
1542 Commission conducted by telecommunication or other electronic
1543 communication.

1544 (c) Officers and staff.--

1545 1. The Interstate Commission may, through its executive
1546 committee, appoint or retain a staff director for such period,
1547 upon such terms and conditions and for such compensation as the

586-04239A-08

20081048c1

1548 Interstate Commission deems appropriate. The staff director shall
1549 serve as secretary to the Interstate Commission, but does not
1550 have a vote. The staff director may hire and supervise such other
1551 staff as may be authorized by the Interstate Commission.

1552 2. The Interstate Commission shall elect, from among its
1553 members, a chairperson and a vice chairperson of the executive
1554 committee and other necessary officers, each of whom shall have
1555 such authority and duties as may be specified in the bylaws.

1556 (d) Qualified immunity, defense, and indemnification.--

1557 1. The Interstate Commission's staff director and its
1558 employees are immune from suit and liability, personally or in
1559 their official capacity, for a claim for damage to or loss of
1560 property, or personal injury or other civil liability caused,
1561 arising out of, or relating to an actual or alleged act, error,
1562 or omission that occurred, or that such person had a reasonable
1563 basis for believing occurred, within the scope of Commission
1564 employment, duties, or responsibilities; however, such person is
1565 not protected from suit or liability for damage, loss, injury, or
1566 liability caused by a criminal act or the intentional, willful,
1567 and wanton misconduct of such person.

1568 a. The liability of the Interstate Commission's staff
1569 director and employees or Interstate Commission representatives,
1570 acting within the scope of such person's employment or duties for
1571 acts, errors, or omissions occurring within such person's state
1572 may not exceed the limits of liability set forth under the
1573 constitution and laws of that state for state officials,
1574 employees, and agents. The Interstate Commission is considered to
1575 be an instrumentality of the states for the purposes of any such
1576 action. Such person is not protected from suit or liability for

586-04239A-08

20081048c1

1577 damage, loss, injury, or liability caused by a criminal act or
1578 the intentional, willful, and wanton misconduct of such person.

1579 b. The Interstate Commission shall defend the staff
1580 director and its employees and, subject to the approval of the
1581 Attorney General or other appropriate legal counsel of the member
1582 state, shall defend the commissioner of a member state in a civil
1583 action seeking to impose liability arising out of an actual or
1584 alleged act, error, or omission that occurred within the scope of
1585 Interstate Commission employment, duties, or responsibilities, or
1586 that the defendant had a reasonable basis for believing occurred
1587 within the scope of Interstate Commission employment, duties, or
1588 responsibilities, if the actual or alleged act, error, or
1589 omission did not result from intentional, willful, and wanton
1590 misconduct on the part of such person.

1591 c. To the extent not covered by the state involved, member
1592 state, or the Interstate Commission, the representatives or
1593 employees of the Interstate Commission shall be held harmless in
1594 the amount of a settlement or judgment, including attorney's fees
1595 and costs, obtained against such persons arising out of an actual
1596 or alleged act, error, or omission that occurred within the scope
1597 of Interstate Commission employment, duties, or responsibilities,
1598 or that such persons had a reasonable basis for believing
1599 occurred within the scope of Interstate Commission employment,
1600 duties, or responsibilities, if the actual or alleged act, error,
1601 or omission did not result from intentional, willful, and wanton
1602 misconduct on the part of such persons.

1603 (11) ARTICLE XI; RULEMAKING FUNCTIONS OF THE INTERSTATE
1604 COMMISSION.--

586-04239A-08

20081048c1

1605 (a) The Interstate Commission shall adopt and publish rules
1606 in order to effectively and efficiently achieve the purposes of
1607 the compact.

1608 (b) Rulemaking shall occur pursuant to the criteria set
1609 forth in this article and the bylaws and rules adopted pursuant
1610 thereto. Such rulemaking shall substantially conform to the
1611 principles of the "Model State Administrative Procedures Act,"
1612 1981 Act, Uniform Laws Annotated, Vol. 15, p.1., 2000, or such
1613 other administrative procedure acts as the Interstate Commission
1614 deems appropriate consistent with due process requirements under
1615 the United States Constitution as now or hereafter interpreted by
1616 the United States Supreme Court. All rules and amendments are
1617 binding as of the date specified, as published with the final
1618 version of the rule as approved by the Interstate Commission.

1619 (c) When adopting a rule, the Interstate Commission shall,
1620 at a minimum:

1621 1. Publish the proposed rule's entire text stating the
1622 reasons for that proposed rule;

1623 2. Allow and invite any and all persons to submit written
1624 data, facts, opinions and arguments, which shall be added to the
1625 record, and be made publicly available; and

1626 3. Adopt a final rule and its effective date, if
1627 appropriate, based on input from state or local officials, or
1628 interested parties.

1629 (d) Rules adopted by the Interstate Commission shall have
1630 the force and effect of administrative rules and are binding in
1631 the compacting states to the extent and in the manner provided
1632 for in this compact.

586-04239A-08

20081048c1

1633 (e) Within 60 days after a rule is adopted, an interested
1634 person may file a petition in the United States District Court
1635 for the District of Columbia or in the federal district court
1636 where the Interstate Commission's principal office is located for
1637 judicial review of such rule. If the court finds that the
1638 Interstate Commission's action is not supported by substantial
1639 evidence in the rulemaking record, the court shall hold the rule
1640 unlawful and set it aside.

1641 (f) If a majority of the legislatures of the member states
1642 rejects a rule, those states may by enactment of a statute or
1643 resolution in the same manner used to adopt the compact cause
1644 that rule to have no further force and effect in any member
1645 state.

1646 (g) The existing rules governing the operation of the
1647 Interstate Compact on the Placement of Children superseded by
1648 this act are null and void after 12 months, but no more than 24
1649 months, after the first meeting of the Interstate Commission, as
1650 determined by the members during the first meeting.

1651 (h) Within the first 12 months of operation, the Interstate
1652 Commission shall adopt rules addressing the following:

- 1653 1. Transition rules.
- 1654 2. Forms and procedures.
- 1655 3. Timelines.
- 1656 4. Data collection and reporting.
- 1657 5. Rulemaking.
- 1658 6. Visitation.
- 1659 7. Progress reports and supervision.
- 1660 8. Sharing of information and confidentiality.
- 1661 9. Financing of the Interstate Commission.

586-04239A-08

20081048c1

- 1662 10. Mediation, arbitration, and dispute resolution.
- 1663 11. Education, training, and technical assistance.
- 1664 12. Enforcement.
- 1665 13. Coordination with other interstate compacts.
- 1666 (i) Upon determination by a majority of the members of the
- 1667 Interstate Commission that an emergency exists:
- 1668 1. The Interstate Commission may adopt an emergency rule
- 1669 only if it is required to:
- 1670 a. Protect the children covered by this compact from an
- 1671 imminent threat to their health, safety, and well-being;
- 1672 b. Prevent loss of federal or state funds; or
- 1673 c. Meet a deadline for the adoption of an administrative
- 1674 rule required by federal law.
- 1675 2. An emergency rule becomes effective immediately upon
- 1676 adoption, if the usual rulemaking procedures are retroactively
- 1677 applied to said rule as soon as reasonably possible, but within
- 1678 90 days after the effective date of the emergency rule.
- 1679 3. An emergency rule shall be adopted as provided for in
- 1680 the rules of the Interstate Commission.
- 1681 (12) ARTICLE XII; OVERSIGHT, DISPUTE RESOLUTION,
- 1682 ENFORCEMENT.--
- 1683 (a) Oversight.--
- 1684 1. The Interstate Commission shall oversee the
- 1685 administration and operation of the compact.
- 1686 2. The executive, legislative, and judicial branches of
- 1687 state government in each member state shall enforce this compact
- 1688 and the rules of the Interstate Commission and shall take all
- 1689 actions necessary and appropriate to effectuate the compact's
- 1690 purposes and intent. The compact and its rules are binding in the

586-04239A-08

20081048c1

1691 member states to the extent and in the manner provided for in
1692 this compact.

1693 3. All courts shall take judicial notice of the compact and
1694 the rules in any judicial or administrative proceeding in a
1695 member state pertaining to the subject matter of this compact.

1696 4. The Interstate Commission shall receive service of
1697 process in any action in which the validity of a compact
1698 provision or rule is the issue for which a judicial determination
1699 has been sought and shall have standing to intervene in any
1700 proceedings. Failure to provide service of process to the
1701 Interstate Commission shall render any judgment, order, or other
1702 determination, however so captioned or classified, void as to the
1703 Interstate Commission, this compact, its bylaws, or rules of the
1704 Interstate Commission.

1705 (b) Dispute resolution.--

1706 1. The Interstate Commission shall attempt, upon the
1707 request of a member state, to resolve disputes that are subject
1708 to the compact and that may arise among member states and between
1709 member and nonmember states.

1710 2. The Interstate Commission shall adopt a rule providing
1711 for both mediation and binding dispute resolution for disputes
1712 among compacting states. The costs of such mediation or dispute
1713 resolution is the responsibility of the parties to the dispute.

1714 (c) Enforcement.--

1715 1. If the Interstate Commission determines that a member
1716 state has defaulted in the performance of its obligations or
1717 responsibilities under this compact, its bylaws or rules, the
1718 Interstate Commission may:

586-04239A-08

20081048c1

1719 a. Provide remedial training and specific technical
1720 assistance;

1721 b. Provide written notice to the defaulting state and other
1722 member states, of the nature of the default and the means of
1723 curing the default. The Interstate Commission shall specify the
1724 conditions by which the defaulting state must cure its default;

1725 c. By majority vote of the members, initiate against a
1726 defaulting member state legal action in the United State District
1727 Court for the District of Columbia or, at the discretion of the
1728 Interstate Commission, in the federal district where the
1729 Interstate Commission has its principal office, to enforce
1730 compliance with the provisions of the compact, its bylaws, or
1731 rules. The relief sought may include both injunctive relief and
1732 damages. If judicial enforcement is necessary, the prevailing
1733 party shall be awarded all costs of such litigation including
1734 reasonable attorney's fees; or

1735 d. Avail itself of any other remedies available under state
1736 law or the regulation of official or professional conduct.

1737 (13) ARTICLE XIII; FINANCING OF THE COMMISSION.--

1738 (a) The Interstate Commission shall pay, or provide for the
1739 payment of the reasonable expenses of its establishment,
1740 organization, and ongoing activities.

1741 (b) The Interstate Commission may levy on and collect an
1742 annual assessment from each member state to cover the cost of the
1743 operations and activities of the Interstate Commission and its
1744 staff which must be in a total amount sufficient to cover the
1745 Interstate Commission's annual budget as approved by its members
1746 each year. The aggregate annual assessment amount shall be
1747 allocated based upon a formula to be determined by the Interstate

586-04239A-08

20081048c1

1748 Commission, which shall adopt a rule binding upon all member
1749 states.

1750 (c) The Interstate Commission may not incur obligations of
1751 any kind prior to securing the funds adequate to meet the same,
1752 or pledge the credit of any of the member states, except by and
1753 with the authority of the member state.

1754 (d) The Interstate Commission shall keep accurate accounts
1755 of all receipts and disbursements. The receipts and disbursements
1756 are subject to the audit and accounting procedures established
1757 under its bylaws. However, all receipts and disbursements of
1758 funds handled by the Interstate Commission must be audited yearly
1759 by a certified or licensed public accountant and the audit report
1760 shall be included in and become part of the annual report of the
1761 Interstate Commission.

1762 (14) ARTICLE XIV; MEMBER STATES, EFFECTIVE DATE, AND
1763 AMENDMENT.--

1764 (a) Any state is eligible to become a member state.

1765 (b) The compact is effective and binding upon the
1766 legislative enactment of the compact into law by at least 35
1767 states. The effective date shall July 1, 2007, or upon enactment
1768 of the compact into law by the 35th state, whichever is later.
1769 Thereafter it is effective and binding as to any other member
1770 state upon enactment of the compact into law by that state. The
1771 heads of the state human services agencies having ultimate
1772 responsibility for the child welfare program of nonmember states
1773 or their designees shall be invited to participate in the
1774 activities of the Interstate Commission on a nonvoting basis
1775 prior to adoption of the compact by all states.

586-04239A-08

20081048c1

1776 (c) The Interstate Commission may propose amendments to the
1777 compact for enactment by the member states. An amendment is not
1778 effective and binding on the member states unless and until it is
1779 enacted into law by unanimous consent of the member states.

1780 (15) ARTICLE XV; WITHDRAWAL AND DISSOLUTION.--

1781 (a) Withdrawal.--

1782 1. Once effective, the compact shall continue in force and
1783 remain binding upon each and every member state; however, a
1784 member state may withdraw from the compact specifically repealing
1785 the statute that enacted the compact into law.

1786 2. Withdrawal from this compact is effected by the
1787 enactment of a statute repealing the same. The effective date of
1788 withdrawal is the effective date of the repeal of the statute.

1789 3. The withdrawing state shall immediately notify the
1790 president of the Interstate Commission in writing upon the
1791 introduction of legislation repealing this compact in the
1792 withdrawing state. The Interstate Commission shall then notify
1793 the other member states of the withdrawing state's intent to
1794 withdraw.

1795 4. The withdrawing state is responsible for all
1796 assessments, obligations, and liabilities incurred through the
1797 effective date of withdrawal.

1798 5. Reinstatement following withdrawal of a member state
1799 shall occur upon the withdrawing state reenacting the compact or
1800 upon such later date as determined by the members of the
1801 Interstate Commission.

1802 (b) Dissolution of compact.--

586-04239A-08

20081048c1

1803 1. This compact shall dissolve effective upon the date of
1804 the withdrawal or default of the member state which reduces the
1805 membership in the compact to one member state.

1806 2. Upon the dissolution, the compact becomes null and void
1807 and shall have no further force or effect, and the business and
1808 affairs of the Interstate Commission shall be concluded and
1809 surplus funds shall be distributed in accordance with the bylaws.

1810 (16) ARTICLE XVI; SEVERABILITY AND CONSTRUCTION.--

1811 (a) The provisions of this compact are severable, and if
1812 any phrase, clause, sentence, or provision is deemed
1813 unenforceable, the remaining provisions of the compact are
1814 enforceable.

1815 (b) The provisions of this compact shall be liberally
1816 construed to effectuate its purposes.

1817 (c) This compact does not prohibit the concurrent
1818 applicability of other interstate compacts to which the states
1819 are members.

1820 (17) ARTICLE XVII; BINDING EFFECT OF COMPACT AND OTHER
1821 LAWS.--

1822 (a) Other laws.--

1823 1. This compact may not prevent the enforcement of any
1824 other law of a member state that is not inconsistent with the
1825 compact.

1826 (b) Binding effect of the compact.--

1827 1. All lawful actions of the Interstate Commission,
1828 including all rules and bylaws adopted by the Interstate
1829 Commission, are binding upon the member states.

1830 2. All agreements between the Interstate Commission and the
1831 member states are binding in accordance with their terms.

586-04239A-08

20081048c1

1832 3. If any provision of this compact exceeds the
1833 constitutional limits imposed on the legislature of any member
1834 state, such provision is ineffective to the extent of the
1835 conflict in that member state.

1836 (18) ARTICLE XVIII; INDIAN TRIBES.--Notwithstanding any
1837 other provision in this compact, the Interstate Commission may
1838 adopt guidelines to allow Indian tribes to use the compact to
1839 achieve any or all of the purposes of the compact as specified in
1840 Article I. The Interstate Commission shall make reasonable
1841 efforts to consult with Indian tribes in adopting guidelines to
1842 reflect the diverse circumstances of the various Indian tribes.

1843 Section 22. Sections 409.402 and 409.403, Florida Statutes,
1844 are repealed.

1845 Section 23. Section 409.404, Florida Statutes, is amended
1846 to read:

1847 409.404 Agreements between party state officers and
1848 agencies.--

1849 (1) The officers and agencies of this state and its
1850 subdivisions having authority to place children may ~~are hereby~~
1851 ~~empowered to~~ enter into agreements with appropriate officers or
1852 agencies of or in other party states pursuant to ~~paragraph (b) of~~
1853 ~~Article V of the Interstate Compact on the Placement of Children,~~
1854 ~~s. 409.401.~~ Any such agreement that ~~which~~ contains a financial
1855 commitment or imposes a financial obligation on this state or
1856 subdivision or agency thereof is ~~shall not be~~ binding unless it
1857 has the approval in writing of the secretary of Children and
1858 Family Services in the case of the state.

1859 (2) Any requirements for visitation, inspection, or
1860 supervision of children, homes, institutions, or other agencies

586-04239A-08

20081048c1

1861 in another party state which may apply under the provisions of
1862 chapter 63 and this chapter are ~~shall be~~ deemed to be met if
1863 performed pursuant to an agreement entered into by appropriate
1864 agencies of this state or a subdivision thereof as contemplated
1865 by ~~paragraph (b) of Article V of the Interstate Compact on the~~
1866 ~~Placement of Children, s. 409.401.~~

1867 Section 24. Subsection (3) of section 787.04, Florida
1868 Statutes, is amended to read:

1869 787.04 Removing minors from state or concealing minors
1870 contrary to state agency order or court order.--

1871 (3) It is unlawful for any person, ~~with criminal intent,~~ to
1872 knowingly and willfully lead, take, entice, or remove a minor
1873 beyond the limits of this state, or to knowingly and willfully
1874 conceal the location of a minor, during the pendency of a
1875 dependency proceeding affecting such minor or during the pendency
1876 of any investigation, action, or proceeding concerning the
1877 alleged abuse or neglect of such minor, after having received
1878 actual or constructive notice of the pendency of such
1879 investigation, action, or proceeding and without the permission
1880 of the state agency or court in which the investigation, action,
1881 or proceeding is pending.

1882 Section 25. Subsection (1) of section 937.021, Florida
1883 Statutes, is amended to read:

1884 937.021 Missing child reports.--

1885 (1) Upon the filing of a police report that a child is
1886 missing by the parent or guardian, the Department of Children and
1887 Family Services, a community-based care provider, or a sheriff's
1888 office providing investigative services for the department, the
1889 law enforcement agency receiving the report shall immediately

586-04239A-08

20081048c1

1890 | inform all on-duty law enforcement officers of the ~~existence of~~
1891 | ~~the~~ missing child report, communicate the report to every other
1892 | law enforcement agency having jurisdiction in the county, and
1893 | transmit the report for inclusion within the Florida Crime
1894 | Information Center computer. A law enforcement agency may not
1895 | require a reporter to present an order that a child be taken into
1896 | custody or any other such order before accepting a report that a
1897 | child is missing.

1898 | Section 26. Paragraph (c) of subsection (4) of section
1899 | 985.04, Florida Statutes, is amended to read:

1900 | 985.04 Oaths; records; confidential information.--

1901 | (4)

1902 | (c) The department shall disclose to the school
1903 | superintendent the presence of any child in the care and custody
1904 | or under the jurisdiction or supervision of the department who
1905 | has a known history of criminal sexual behavior with other
1906 | juveniles; is an alleged juvenile sexual offender or a child who
1907 | has exhibited inappropriate sexual behavior, as defined in s.
1908 | 39.01; or has pled guilty or nolo contendere to, or has been
1909 | found to have committed, a violation of chapter 794, chapter 796,
1910 | chapter 800, s. 827.071, or s. 847.0133, regardless of
1911 | adjudication. An ~~Any~~ employee of a district school board who
1912 | knowingly and willfully discloses such information to an
1913 | unauthorized person commits a misdemeanor of the second degree,
1914 | punishable as provided in s. 775.082 or s. 775.083.

1915 | Section 27. Effective upon this act becoming a law and
1916 | operating retroactively to June 29, 2008, subsection (3) of
1917 | section 1 of chapter 2007-174, Laws of Florida, is amended to
1918 | read:

586-04239A-08

20081048c1

1919 (3) This section expires June 30, 2009 ~~2008~~.

1920 Section 28. Paragraph (b) of subsection (3) of section

1921 39.0015, Florida Statutes, is amended to read:

1922 39.0015 Child abuse prevention training in the district

1923 school system.--

1924 (3) DEFINITIONS.--As used in this section:

1925 (b) "Child abuse" means abandonment, abuse, harm, mental

1926 injury, neglect, physical injury, or sexual abuse of a child as

1927 those terms are defined in s. 39.01 ~~those acts as defined in ss.~~

1928 ~~39.01(1), (2), (31), (41), (43), (55), and (66), 827.04, and~~

1929 984.03 ~~984.03(1), (2), and (37)~~.

1930 Section 29. Subsection (5) of section 39.205, Florida

1931 Statutes, is amended to read:

1932 39.205 Penalties relating to reporting of child abuse,

1933 abandonment, or neglect.--

1934 (5) If the department or its authorized agent has

1935 determined after its investigation that a report is false, the

1936 department shall, with the consent of the alleged perpetrator,

1937 refer the report to the local law enforcement agency having

1938 jurisdiction for an investigation to determine whether sufficient

1939 evidence exists to refer the case for prosecution for filing a

1940 false report as defined in s. 39.01 ~~s. 39.01(28)~~. During the

1941 pendency of the investigation ~~by the local law enforcement~~

1942 ~~agency~~, the department must notify the local law enforcement

1943 agency of, and the local law enforcement agency must respond to,

1944 all subsequent reports concerning children in that same family in

1945 accordance with s. 39.301. If the law enforcement agency believes

1946 that there are indicators of abuse, abandonment, or neglect, it

1947 must immediately notify the department, which must ensure ~~assure~~

586-04239A-08

20081048c1

1948 the safety of the children. If the law enforcement agency finds
1949 sufficient evidence for prosecution for filing a false report, it
1950 must refer the case to the appropriate state attorney for
1951 prosecution.

1952 Section 30. Subsection (1) of section 39.302, Florida
1953 Statutes, is amended to read:

1954 39.302 Protective investigations of institutional child
1955 abuse, abandonment, or neglect.--

1956 (1) The department shall conduct a child protective
1957 investigation of each report of institutional child abuse,
1958 abandonment, or neglect. Upon receipt of a report that alleges
1959 that an employee or agent of the department, or any other entity
1960 or person covered by s. 39.01(33) or (47) ~~s. 39.01(32) or (46)~~,
1961 acting in an official capacity, has committed an act of child
1962 abuse, abandonment, or neglect, the department shall initiate a
1963 child protective investigation within the timeframe established
1964 ~~by the central abuse hotline~~ under s. 39.201(5) and orally notify
1965 the appropriate state attorney, law enforcement agency, and
1966 licensing agency, which. ~~These agencies~~ shall immediately conduct
1967 a joint investigation, unless independent investigations are more
1968 feasible. When conducting investigations onsite or having face-
1969 to-face interviews with the child, ~~such~~ investigation visits
1970 shall be unannounced unless it is determined by the department or
1971 its agent that ~~the~~ unannounced visits ~~would~~ threaten the safety
1972 of the child. If ~~When~~ a facility is exempt from licensing, the
1973 department shall inform the owner or operator of the facility of
1974 the report. Each agency conducting a joint investigation is
1975 entitled to full access to the information gathered by the
1976 department in the course of the investigation. A protective

586-04239A-08

20081048c1

1977 investigation must include an onsite visit of the child's place
1978 of residence. ~~In all cases,~~ The department shall make a full
1979 written report to the state attorney within 3 working days after
1980 making the oral report. A criminal investigation shall be
1981 coordinated, whenever possible, with the child protective
1982 investigation of the department. Any interested person who has
1983 information regarding the offenses described in this subsection
1984 may forward a statement to the state attorney as to whether
1985 prosecution is warranted and appropriate. Within 15 days after
1986 the completion of the investigation, the state attorney shall
1987 report the findings to the department and shall include in the
1988 report a determination of whether or not prosecution is justified
1989 and appropriate in view of the circumstances of the specific
1990 case.

1991 Section 31. Paragraphs (b) and (c) of subsection (2) of
1992 section 39.6011, Florida Statutes, are amended to read:

1993 39.6011 Case plan development.--

1994 (2) The case plan must be written simply and clearly in
1995 English and, if English is not the principal language of the
1996 child's parent, to the extent possible in the parent's principal
1997 language. Each case plan must contain:

1998 (b) The permanency goal ~~as defined in s. 39.01(51)~~.

1999 (c) If concurrent planning is being used, a description of
2000 the permanency goal of reunification with the parent or legal
2001 custodian in addition to a description of one of the remaining
2002 permanency goals described in s. 39.01 ~~s. 39.01(51)~~.

2003 Section 32. Paragraph (e) of subsection (6) of section
2004 39.811, Florida Statutes, is amended to read:

2005 39.811 Powers of disposition; order of disposition.--

586-04239A-08

20081048c1

2006 (6) The parental rights of one parent may be severed
2007 without severing the parental rights of the other parent only
2008 under the following circumstances:

2009 (e) If the parent whose rights are being terminated meets
2010 any of the criteria specified in s. 39.806(1)(d) and (f)-(1) ~~(f)-~~
2011 ~~(i)~~.

2012 Section 33. Paragraph (a) of subsection (1) of section
2013 39.828, Florida Statutes, is amended to read:

2014 39.828 Grounds for appointment of a guardian advocate.--

2015 (1) The court shall appoint the person named in the
2016 petition as a guardian advocate with all the powers and duties
2017 specified in s. 39.829 for an initial term of 1 year upon a
2018 finding that:

2019 (a) The child named in the petition is or was a drug
2020 dependent newborn as described in s. 39.01(32)(g) ~~s.~~
2021 ~~39.01(31)(g)~~;

2022 Section 34. Paragraph (d) of subsection (1) of section
2023 419.001, Florida Statutes, is amended to read:

2024 419.001 Site selection of community residential homes.--

2025 (1) For the purposes of this section, the following
2026 definitions shall apply:

2027 (d) "Resident" means any of the following: a frail elder as
2028 defined in s. 429.65; a physically disabled or handicapped person
2029 as defined in s. 760.22(7)(a); a developmentally disabled person
2030 as defined in s. 393.063; a nondangerous mentally ill person as
2031 defined in s. 394.455(18); or a child who is found to be
2032 dependent as defined in s. 39.01 or s.984.03, or a child in need
2033 of services as defined in s. 984.03 ~~s. 39.01(14), s. 984.03(9) or~~
2034 ~~(12)~~, or s. 985.03.

586-04239A-08

20081048c1

2035 | Section 35. Except as otherwise expressly provided in this
2036 | act and except for this section, which shall take effect upon
2037 | becoming a law, this act shall take effect July 1, 2008.