

By the Committees on Judiciary; Children, Families, and Elder Affairs; Children, Families, and Elder Affairs; and Senator Lynn

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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

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30 notice to foster or preadoptive parents of any hearings
31 involving the child in their care; amending s. 39.503,
32 F.S.; revising the minimum inquiries a petitioner for
33 dependency or shelter must make in trying to locate an
34 identified parent or prospective parent; amending s.
35 39.504, F.S.; revising procedures related to injunctions
36 issued to protect a child; requiring that such injunctions
37 remain in effect until modified or dissolved by the court;
38 amending s. 39.507, F.S.; limiting a court to one order
39 adjudicating dependency; providing for supplemental
40 findings; amending s. 39.521, F.S.; providing an exception
41 from the requirement for a predisposition study in
42 dependency proceedings; conforming cross-references;
43 amending s. 39.701, F.S.; requiring that notice of a
44 judicial review of a child's status be served on certain
45 persons regardless of whether they attended a prior
46 hearing at which the hearing was announced; amending s.
47 39.8055, F.S.; revising provisions relating to filing a
48 petition to terminate parental rights; expanding the
49 grounds for terminating parental rights to include
50 conviction for the murder, manslaughter, or conspiracy to
51 murder another child of the parent; amending s. 39.806,
52 F.S.; adding additional grounds for terminating parental
53 rights; amending s. 39.810, F.S.; providing that if
54 termination of parental rights is in the best interests of
55 the child, it is also the least restrictive means of
56 protecting the child; amending s. 63.032, F.S.; redefining
57 the term "relative"; amending s. 322.142, F.S.;

58 authorizing the Department of Children and Family Services

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

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

100 providing for the disclosure of certain records relating
101 to children having a history of inappropriate sexual
102 behavior to schools superintendents; amending chapter
103 2007-174, Laws of Florida; extending the date for the
104 repeal of provisions authorizing the reorganization of the
105 Department of Children and Family Services; providing for
106 retroactive application; amending ss. 39.0015, 39.205,
107 39.302, 39.6011, 39.811, 39.828, and 419.001, F.S.;

108 conforming cross-references; providing an effective date.

109
110 Be It Enacted by the Legislature of the State of Florida:

111
112 Section 1. Subsection (1), paragraph (g) of present
113 subsection (31), and present subsection (63) of section 39.01,
114 Florida Statutes, are amended, present subsections (14) through
115 (74) are renumbered as subsections (15) through (75),

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116 respectively, and a new subsection (14) is added to that section,
117 to read:

118 39.01 Definitions.--When used in this chapter, unless the
119 context otherwise requires:

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

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145 | custodian, or caregiver responsible for a child's welfare may
146 | support a finding of abandonment.

147 | (14) "Child who has exhibited inappropriate sexual
148 | behavior" means a child who is 12 years of age or younger and who
149 | has been found by the department or the court to have committed
150 | an inappropriate sexual act on himself or herself or another
151 | individual.

152 | (32)~~(31)~~ "Harm" to a child's health or welfare can occur
153 | when any person:

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

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

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

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

172 | (64)~~(63)~~ "Relative" means a grandparent, great-grandparent,
173 | sibling, first cousin, aunt, uncle, great-aunt, great-uncle,

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174 niece, or nephew, whether related by the whole or half blood, by
175 affinity, or by adoption. The term may include the adoptive
176 parent of a blood sibling who was adopted from the child welfare
177 system. The term does not include a stepparent.

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

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

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

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

194 (b) Include criteria to determine when a child is missing
195 for purposes of making a report to a law enforcement agency, and
196 require that in all cases in which a law enforcement agency has
197 accepted a case for criminal investigation pursuant to s.
198 39.301(2)(c) and the child's whereabouts are unknown, the child
199 shall be considered missing and a report made.

200 (c) Include steps to be taken by employees and contracted
201 providers to ensure and provide evidence that parents and

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202 guardians have been advised of the requirements of s. 787.04(3)
203 and that violations are reported.

204 Section 3. Subsection (1) of section 39.0138, Florida
205 Statutes, is amended to read:

206 39.0138 Criminal history records check; limit on placement
207 of a child.--

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

225 Section 4. Section 39.0141, Florida Statutes, is created to
226 read:

227 39.0141 Missing children; report required.--Whenever the
228 whereabouts of a child involved with the department becomes
229 unknown, the department, the community-based care provider, or
230 the sheriff's office providing investigative services for the

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231 department shall make reasonable efforts, as defined by rule, to
232 locate the child. If, pursuant to criteria established by rule,
233 the child is determined to be missing, the department, the
234 community-based care provider, or the sheriff's office shall file
235 a report that the child is missing in accordance with s. 937.021.

236 Section 5. Paragraph (f) of subsection (2) of section
237 39.201, Florida Statutes, is amended to read:

238 39.201 Mandatory reports of child abuse, abandonment, or
239 neglect; mandatory reports of death; central abuse hotline.--

240 (2)

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

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

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

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

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260 agency ~~appropriate county sheriff's office~~ within 48 hours after
261 the initial report to the central abuse hotline.

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

264 39.301 Initiation of protective investigations.--

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

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

275 (b) In child death cases, the final report of the medical
276 examiner is necessary for the department to close its
277 investigation, and the report has not been received within the
278 60-day period, in which case the report closure date shall be
279 extended to accommodate to the report.

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

286 Section 7. Subsections (2), (3), (4), and (5) of section
287 39.307, Florida Statutes, are amended to read:

288 39.307 Reports of child-on-child sexual abuse.--

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

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

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

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

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

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

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

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317 to the caregiver of the alleged offender, the victim, and the
318 victim's caregiver.

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

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

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

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

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

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

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

344 4. Notification to law enforcement. ~~Either~~ The risk to the
345 victim's safety and well-being cannot be reduced by the provision

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346 of services or the caregiver ~~family~~ rejected services, and
347 notification of the alleged delinquent act or violation of law to
348 the appropriate law enforcement agency was initiated.

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

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

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

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

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

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

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

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

372 ~~(5)-(4)~~ If ~~In the event~~ the family or caregiver of the
373 alleged juvenile sexual offender or child who has exhibited
374 inappropriate sexual behavior fails to adequately participate or

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375 allow for the adequate participation of the child ~~juvenile sexual~~
376 ~~offender~~ in the services or treatment delineated in the case
377 plan, the case manager may recommend that the department:

378 (a) Close the case;

379 (b) Refer the case to mediation or arbitration, if
380 available; or

381 (c) Notify the appropriate law enforcement agency of
382 failure to comply.

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

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

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

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

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

401 (b) If the facts are sufficient ~~to support the filing of~~
402 ~~the shelter petition~~ and the child has not been returned to the
403 custody of the parent or legal custodian, the department shall

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

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

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

434 39.502 Notice, process, and service.--

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

444 Section 10. Subsection (6) of section 39.503, Florida
445 Statutes, is amended to read:

446 39.503 Identity or location of parent unknown; special
447 procedures.--

448 (6) The diligent search required by subsection (5) must
449 include, at a minimum, inquiries of all relatives of the parent
450 or prospective parent made known to the petitioner, inquiries of
451 all offices of program areas of the department likely to have
452 information about the parent or prospective parent, inquiries of
453 other state and federal agencies likely to have information about
454 the parent or prospective parent, inquiries of appropriate
455 utility and postal providers, a thorough search of at least one
456 electronic database specifically designed for locating persons,
457 and inquiries of appropriate law enforcement agencies. Pursuant
458 to s. 453 of the Social Security Act, 42 U.S.C. s. 653(c)(4), the
459 department, as the state agency administering Titles IV-B and IV-

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460 E of the act, shall be provided access to the federal and state
461 parent locator service for diligent search activities.

462 Section 11. Section 39.504, Florida Statutes, is amended to
463 read:

464 39.504 Injunction pending disposition of petition;
465 penalty.--

466 (1) ~~(a)~~ At any time after a protective investigation has
467 been initiated pursuant to part III of this chapter ~~When a~~
468 ~~petition for shelter placement or a petition for dependency has~~
469 ~~been filed or when a child has been taken into custody and~~
470 ~~reasonable cause, as defined in paragraph (b), exists,~~ the court,
471 upon the request of the department, a law enforcement officer,
472 the state attorney, or other responsible person, or upon its own
473 motion, may, if there is reasonable cause, ~~shall have the~~
474 ~~authority to~~ issue an injunction to prevent any act of child
475 abuse ~~or any unlawful sexual offense involving a child.~~

476 ~~(b)~~ Reasonable cause for the issuance of an injunction
477 exists if there is evidence of child abuse ~~or an unlawful sexual~~
478 ~~offense involving a child~~ or if there is a reasonable likelihood
479 of such abuse ~~or offense~~ occurring based upon a recent overt act
480 or failure to act.

481 (2) Notice shall be provided to the parties as set forth in
482 the Florida Rules of Juvenile Procedure, unless the child is
483 reported to be in imminent danger, in which case the court may
484 issue an injunction immediately. A judge may issue an emergency
485 injunction pursuant to this section without notice if at times
486 ~~when~~ the court is closed for the transaction of judicial
487 business. If ~~When such~~ an immediate injunction is issued, the
488 court must ~~shall~~ hold a hearing on the next day of judicial

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489 | business ~~either~~ to dissolve the injunction or to continue or
490 | modify it in accordance with ~~the other provisions of this~~
491 | section.

492 | (3) ~~(a) If In every instance in which~~ an injunction is
493 | issued under this section, the primary purpose of the injunction
494 | must be ~~shall be primarily~~ to protect and promote the best
495 | interests of the child, taking the preservation of the child's
496 | immediate family into consideration. ~~The effective period of the~~
497 | ~~injunction shall be determined by the court, except that the~~
498 | ~~injunction will expire at the time of the disposition of the~~
499 | ~~petition for shelter placement or dependency.~~

500 | (a) (b) The injunction shall apply to the alleged or actual
501 | offender in a case of child abuse or acts of domestic violence ~~an~~
502 | ~~unlawful sexual offense involving a child~~. The conditions of the
503 | injunction shall be determined by the court, which conditions may
504 | include ordering the alleged or actual offender to:

505 | 1. Refrain from further abuse or acts of domestic violence
506 | ~~unlawful sexual activity involving a child~~.

507 | 2. Participate in a specialized treatment program.

508 | 3. Limit contact or communication with the child victim,
509 | other children in the home, or any other child.

510 | 4. Refrain from contacting the child at home, school, work,
511 | or wherever the child may be found.

512 | 5. Have limited or supervised visitation with the child.

513 | 6. Pay temporary support for the child or other family
514 | members; the costs of medical, psychiatric, and psychological
515 | treatment for the child ~~victim~~ incurred as a result of the
516 | offenses; and similar costs for other family members.

517 | 7. Vacate the home in which the child resides.

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

520 1. Awarding the exclusive use and possession of the
521 dwelling to the caregiver or excluding the alleged or actual
522 offender from the residence of the caregiver.

523 2. Awarding temporary custody of the child to the
524 caregiver.

525 3. Establishing temporary support for the child. At any
526 time prior to the disposition of the petition, the alleged or
527 actual offender may offer the court evidence of changed
528 circumstances as a ground to dissolve or modify the injunction.

529
530 This paragraph does not preclude the adult victim of domestic
531 violence from seeking protection under s. 741.30.

532 (c) The terms of the injunction shall remain in effect
533 until modified or dissolved by the court. The petitioner,
534 respondent, or caregiver may move at any time to modify or
535 dissolve the injunction. The injunction is valid and enforceable
536 in all counties in the state.

537 (4) A copy of any injunction issued pursuant to this
538 section shall be delivered to the ~~protected party, or a parent or~~
539 ~~caregiver or individual acting in the place of a parent who is~~
540 ~~not the respondent~~ by, and to any law enforcement agency having
541 jurisdiction to enforce the ~~such~~ injunction. Upon delivery of the
542 injunction to the appropriate law enforcement agency, the agency
543 shall have the duty and responsibility to enforce the injunction,
544 and law enforcement officers may exercise their arrest powers as
545 provided in s. 901.15(6).

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546 (5) Any person who fails to comply with an injunction
547 issued pursuant to this section commits ~~is guilty of~~ a
548 misdemeanor of the first degree, punishable as provided in s.
549 775.082 or s. 775.083.

550 Section 12. Subsection (7) of section 39.507, Florida
551 Statutes, is amended to read:

552 39.507 Adjudicatory hearings; orders of adjudication.--

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

559 (b) Upon a properly noticed motion, a subsequent
560 evidentiary hearing may be held regarding the conduct of one
561 parent, both parents, or a custodian. With court approval,
562 supplemental findings made beyond a preponderance of the evidence
563 may be entered. The child's dependency status may not be retried
564 or readjudicated.

565 (c) If a court adjudicates a child dependent and the child
566 is in out-of-home care, the court shall inquire of the parent or
567 parents whether the parents have relatives who might be
568 considered as a placement for the child. The court shall advise
569 the parents that, if the parents fail to substantially comply
570 with the case plan, their parental rights may be terminated and
571 that the child's out-of-home placement may become permanent. The
572 parent or parents shall provide to the court and all parties
573 identification and location information of the relatives.

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574 Section 13. Paragraphs (a) and (f) of subsection (1) of
575 section 39.521, Florida Statutes, are amended to read:

576 39.521 Disposition hearings; powers of disposition.--

577 (1) A disposition hearing shall be conducted by the court,
578 if the court finds that the facts alleged in the petition for
579 dependency were proven in the adjudicatory hearing, or if the
580 parents or legal custodians have consented to the finding of
581 dependency or admitted the allegations in the petition, have
582 failed to appear for the arraignment hearing after proper notice,
583 or have not been located despite a diligent search having been
584 conducted.

585 (a) A written case plan and a predisposition study prepared
586 by an authorized agent of the department must be filed with the
587 court, ~~and~~ served upon the parents of the child, provided to the
588 representative of the guardian ad litem program, if the program
589 has been appointed, and provided to all other parties, ~~not less~~
590 than 72 hours before the disposition hearing. All such case plans
591 must be approved by the court. If the court does not approve the
592 case plan at the disposition hearing, the court must set a
593 hearing within 30 days after the disposition hearing to review
594 and approve the case plan. The court may grant an exception to
595 the requirement for a predisposition study by separate order or
596 within the judge's order of disposition upon finding that all the
597 family and child information required by subsection (2) is
598 available in other documents filed with the court.

599 (f) If the court places the child in an out-of-home
600 placement, the disposition order must include a written
601 determination that the child cannot safely remain at home with
602 reunification or family preservation services and that removal of

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603 the child is necessary to protect the child. If the child is ~~has~~
604 ~~been~~ removed before the disposition hearing, the order must also
605 include a written determination as to whether, after removal, the
606 department ~~has~~ made a reasonable effort to reunify the parent and
607 child, ~~if reasonable efforts are required~~. Reasonable efforts to
608 reunify are not required if the court finds ~~has found~~ that any of
609 the acts listed in s. 39.806(1)(f)-(l) ~~s. 39.806(1)(f)-(i)~~ have
610 occurred. The department has the burden of demonstrating that it
611 ~~has~~ made reasonable efforts ~~under this paragraph~~.

612 1. For the purposes of this paragraph, the term "reasonable
613 effort" means the exercise of reasonable diligence and care by
614 the department to provide the services ordered by the court or
615 delineated in the case plan.

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

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

620 b. If prevention or reunification efforts were indicated,
621 include a brief written description of what appropriate and
622 available prevention and reunification efforts were made.

623 c. Indicate in writing why further efforts could or could
624 not have prevented or shortened the separation of the parent and
625 child.

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

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

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

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

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

643 4. A reasonable effort by the department for reunification
644 ~~of the parent and child~~ has been made if the appraisal of the
645 home situation by the department indicates that the severity of
646 the conditions of dependency is such that reunification efforts
647 are inappropriate. The department has the burden of demonstrating
648 to the court that reunification efforts were inappropriate.

649 5. If the court finds that the prevention or reunification
650 effort of the department would not have permitted the child to
651 remain safely at home, the court may commit the child to the
652 temporary legal custody of the department or take any other
653 action authorized by this chapter.

654 Section 14. Subsection (5) of section 39.701, Florida
655 Statutes, is amended to read:

656 39.701 Judicial review.--

657 (5) Notice of a judicial review hearing or a citizen review
658 panel hearing, and a copy of the motion for judicial review, if
659 any, must be served by the clerk of the court upon all of the

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660 following persons regardless of whether the person was present at
661 the previous hearing at which the date, time, and location of the
662 hearing was announced:

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

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

668 (c) The parents.

669 (d) The guardian ad litem for the child, or the
670 representative of the guardian ad litem program if the program
671 has been appointed.

672 (e) The attorney for the child.

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

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

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

677
678 ~~Service of notice is not required on any of the persons listed in~~
679 ~~paragraphs (a)–(f) if the person was present at the previous~~
680 ~~hearing during which the date, time, and location of the hearing~~
681 ~~was announced.~~

682 Section 15. Subsection (1) of section 39.8055, Florida
683 Statutes, is amended to read:

684 39.8055 Requirement to file a petition to terminate
685 parental rights; exceptions.--

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

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

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

696 (c) A parent has been convicted of the murder ~~of the other~~
697 ~~parent~~, manslaughter ~~of the other parent~~, aiding or abetting the
698 murder, or conspiracy or solicitation to murder the other parent
699 or another child of the parent, or a felony battery that resulted
700 in serious bodily injury to the child or to another ~~any other~~
701 child of the parent; or

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

704 Section 16. Paragraphs (e) through (h) of subsection (1) of
705 section 39.806, Florida Statutes, are amended, paragraphs (j),
706 (k), and (l) are added to that subsection, and subsections (2),
707 (3), and (4) of that section are amended, to read:

708 39.806 Grounds for termination of parental rights.--

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

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

715 1. The child continues to be abused, neglected, or
716 abandoned by the parent or parents. ~~In this case,~~ The failure of

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717 the parent or parents to substantially comply for a period of 9-
718 months ~~12 months~~ after an adjudication of the child as a
719 dependent child or the child's placement into shelter care,
720 whichever occurs ~~came~~ first, constitutes evidence of continuing
721 abuse, neglect, or abandonment unless the failure to
722 substantially comply with the case plan was due ~~either~~ to the
723 parent's lack of financial resources ~~of the parents~~ or to the
724 failure of the department to make reasonable efforts to reunify
725 the parent and child. The 9-month ~~12-month~~ period begins to run
726 only after the child's placement into shelter care or the entry
727 of a disposition order placing the custody of the child with the
728 department or a person other than the parent and the court's
729 approval ~~by the court~~ of a case plan having the ~~with a~~ goal of
730 reunification with the parent, whichever occurs ~~came~~ first; ~~or~~

731 2. The parent or parents are unlikely or unable ~~The parent~~
732 ~~has materially breached the case plan by making it unlikely that~~
733 ~~he or she will be able to~~ substantially comply with the case plan
734 before the time for compliance expires; or. ~~Time is of the~~
735 ~~essence for permanency of children in the dependency system. In~~
736 ~~order to prove the parent has materially breached the case plan,~~
737 ~~the court must find by clear and convincing evidence that the~~
738 ~~parent is unlikely or unable to substantially comply with the~~
739 ~~case plan before time expires to comply with the case plan.~~

740 3. The parent or parents, although able, fail to maintain
741 frequent and regular contact with the child through frequent and
742 regular visitation or communication.

743 (f) ~~When~~ The parent or parents engaged in egregious conduct
744 or had the opportunity and capability to prevent and knowingly
745 failed to prevent egregious conduct that threatens the life,

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746 safety, or physical, mental, or emotional health of the child or
747 the child's sibling.

748 1. As used in this subsection, the term "sibling" means
749 another child who resides with or is cared for by the parent or
750 parents regardless of whether the child is related legally or by
751 consanguinity.

752 2. As used in this subsection, the term "egregious conduct"
753 means abuse, abandonment, neglect, or any other conduct ~~of the~~
754 ~~parent or parents~~ that is deplorable, flagrant, or outrageous by
755 a normal standard of conduct. Egregious conduct may include an
756 act or omission that occurred only once but was of such
757 intensity, magnitude, or severity as to endanger the life of the
758 child.

759 (g) ~~When~~ The parent or parents have subjected the child or
760 another child to aggravated child abuse as defined in s. 827.03,
761 sexual battery or sexual abuse as defined in s. 39.01, or chronic
762 abuse.

763 (h) ~~When~~ The parent or parents have been convicted of the
764 murder, manslaughter, aiding or abetting the murder, or
765 conspiracy or solicitation to murder the other parent or another
766 child, or a felony battery that resulted in serious bodily injury
767 to the child or to another child ~~committed murder or voluntary~~
768 ~~manslaughter of another child, or a felony assault that results~~
769 ~~in serious bodily injury to the child or another child, or aided~~
770 ~~or abetted, attempted, conspired, or solicited to commit such a~~
771 ~~murder or voluntary manslaughter or felony assault.~~

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

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

780 (k) A test administered at birth that indicated that the
781 child's blood, urine, or meconium contained any amount of alcohol
782 or a controlled substance or metabolites of such substances, the
783 presence of which was not the result of medical treatment
784 administered to the mother or the newborn infant, and the
785 biological mother of the child is the biological mother of at
786 least one other child who was adjudicated dependent after a
787 finding of harm to the child's health or welfare due to exposure
788 to a controlled substance or alcohol as defined in s.
789 39.01(31)(g), after which the biological mother had the
790 opportunity to participate in substance abuse treatment.

791 (l) On three or more occasions the child or another child
792 of the parent or parents has been placed in out-of-home care
793 pursuant to this chapter, and the conditions that led to the
794 child's out-of-home placement were caused by the parent or
795 parents.

796 (2) Reasonable efforts to preserve and reunify families are
797 not required if a court of competent jurisdiction has determined
798 that any of the events described in paragraphs (1)(e)-(1)(e)-
799 (i) have occurred.

800 (3) If ~~When~~ a petition for termination of parental rights
801 is filed under subsection (1), a separate petition for dependency
802 need not be filed and the department need not offer the parents a

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803 case plan having ~~with~~ a goal of reunification, but may instead
804 file with the court a case plan having ~~with~~ a goal of termination
805 of parental rights to allow continuation of services until the
806 termination is granted or until further orders of the court are
807 issued.

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

813 Section 17. Section 39.810, Florida Statutes, is amended to
814 read:

815 39.810 Manifest best interests of the child.--In a hearing
816 on a petition for termination of parental rights, the court shall
817 consider the manifest best interests of the child. This
818 consideration shall not include a comparison between the
819 attributes of the parents and those of any persons providing a
820 present or potential placement for the child. For the purpose of
821 determining the manifest best interests of the child, the court
822 shall consider and evaluate all relevant factors, including, but
823 not limited to:

824 (1) Any suitable permanent custody arrangement with a
825 relative of the child. However, the availability of a nonadoptive
826 placement with a relative may not receive greater consideration
827 than any other factor weighing on the manifest best interest of
828 the child and may not be considered as a factor weighing against
829 termination of parental rights. If a child has been in a stable
830 or preadoptive placement for not less than 6 months, the
831 availability of a different placement, including a placement with

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832 a relative, may not be considered as a ground to deny the
833 termination of parental rights.

834 (2) The ability and disposition of the parent or parents to
835 provide the child with food, clothing, medical care or other
836 remedial care recognized and permitted under state law instead of
837 medical care, and other material needs of the child.

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

842 (4) The present mental and physical health needs of the
843 child and such future needs of the child to the extent that such
844 future needs can be ascertained based on the present condition of
845 the child.

846 (5) The love, affection, and other emotional ties existing
847 between the child and the child's parent or parents, siblings,
848 and other relatives, and the degree of harm to the child that
849 would arise from the termination of parental rights and duties.

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

853 (7) The child's ability to form a significant relationship
854 with a parental substitute and the likelihood that the child will
855 enter into a more stable and permanent family relationship as a
856 result of permanent termination of parental rights and duties.

857 (8) The length of time that the child has lived in a
858 stable, satisfactory environment and the desirability of
859 maintaining continuity.

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860 (9) The depth of the relationship existing between the
861 child and the present custodian.

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

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

867

868 If the court finds that termination of parental rights is in the
869 manifest best interests of the child, the court shall also find
870 that termination of parental rights is the least restrictive
871 means of protecting the child.

872 Section 18. Subsection (14) of section 63.032, Florida
873 Statutes, is amended to read:

874 63.032 Definitions.--As used in this chapter, the term:

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

879 Section 19. Subsection (4) of section 322.142, Florida
880 Statutes, is amended to read:

881 322.142 Color photographic or digital imaged licenses.--

882 (4) The department may maintain a film negative or print
883 file. The department shall maintain a record of the digital image
884 and signature of the licensees, together with other data required
885 by the department for identification and retrieval. Reproductions
886 from the file or digital record are exempt from the provisions of
887 s. 119.07(1) and shall be made and issued only for departmental
888 administrative purposes; for the issuance of duplicate licenses;

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889 in response to law enforcement agency requests; to the Department
890 of State pursuant to an interagency agreement to facilitate
891 determinations of eligibility of voter registration applicants
892 and registered voters in accordance with ss. 98.045 and 98.075;
893 to the Department of Revenue pursuant to an interagency agreement
894 for use in establishing paternity and establishing, modifying, or
895 enforcing support obligations in Title IV-D cases; to the
896 Department of Children and Family Services pursuant to an
897 interagency agreement to conduct protective investigations under
898 part III of chapter 39; or to the Department of Financial
899 Services pursuant to an interagency agreement to facilitate the
900 location of owners of unclaimed property, the validation of
901 unclaimed property claims, and the identification of fraudulent
902 or false claims, ~~and are exempt from the provisions of s.~~
903 ~~119.07(1).~~

904 Section 20. Section 402.401, Florida Statutes, is amended
905 to read:

906 402.401 Florida Child Welfare Student Loan Forgiveness
907 Program.--

908 ~~(1)~~ There is created the Florida Child Welfare Student Loan
909 Forgiveness Program to be administered by the Department of
910 Children and Family Services Education. The program shall provide
911 loan reimbursement assistance to eligible employees in child
912 welfare positions that are critical to the department's mission,
913 as determined by the department, and that are within the
914 department, sheriff's offices, or contracted community-based care
915 agencies students for upper-division undergraduate and graduate
916 study. The primary purpose of the program is to attract capable
917 and promising students to the child welfare profession, increase

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918 ~~employment and retention of individuals who are working towards~~
919 ~~or who have received either a bachelor's degree or a master's~~
920 ~~degree in social work, or any human services subject area that~~
921 ~~qualifies the individual for employment as a family services~~
922 ~~worker, and provide opportunities for persons making midcareer~~
923 ~~decisions to enter the child welfare profession. The State Board~~
924 ~~of Education shall adopt rules necessary to administer the~~
925 ~~program.~~

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

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

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

939 ~~3. If applying for an undergraduate forgivable loan, have~~
940 ~~maintained a minimum cumulative grade point average of at least a~~
941 ~~2.5 on a 4.0 scale for all undergraduate work. Renewal applicants~~
942 ~~for undergraduate loans shall have maintained a minimum~~
943 ~~cumulative grade point average of at least a 2.5 on a 4.0 scale~~
944 ~~for all undergraduate work and have earned at least 12 semester~~
945 ~~credits per term, or the equivalent.~~

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946 ~~4. If applying for a graduate forgivable loan, have~~
947 ~~maintained an undergraduate cumulative grade point average of at~~
948 ~~least a 3.0 on a 4.0 scale or have attained a Graduate Record~~
949 ~~Examination score of at least 1,000. Renewal applicants for~~
950 ~~graduate loans shall have maintained a minimum cumulative grade~~
951 ~~point average of at least a 3.0 on a 4.0 scale for all graduate~~
952 ~~work and have earned at least 9 semester credits per term, or the~~
953 ~~equivalent.~~

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

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

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

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

966 ~~(d) The State Board of Education shall adopt by rule~~
967 ~~repayment schedules and applicable interest rates under ss.~~
968 ~~1009.82 and 1009.95. A forgivable loan must be repaid within 10~~
969 ~~years after completion of a program of studies.~~

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

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974 2. ~~Any forgivable loan recipient who fails to work at the~~
975 ~~Department of Children and Family Services or its successor, or~~
976 ~~with an eligible lead community-based provider as defined in s.~~
977 ~~409.1671, is responsible for repaying the loan plus accrued~~
978 ~~interest at 8 percent annually.~~

979 3. ~~Forgivable loan recipients may receive loan repayment~~
980 ~~credit for child welfare service rendered at any time during the~~
981 ~~scheduled repayment period. However, such repayment credit shall~~
982 ~~be applicable only to the current principal and accrued interest~~
983 ~~balance that remains at the time the repayment credit is earned.~~
984 ~~No loan recipient shall be reimbursed for previous cash payments~~
985 ~~of principal and interest.~~

986 ~~(3) This section shall be implemented only as specifically~~
987 ~~funded.~~

988 Section 21. Paragraph (a) of subsection (4) of section
989 409.175, Florida Statutes, is amended to read:

990 409.175 Licensure of family foster homes, residential
991 child-caring agencies, and child-placing agencies; public records
992 exemption.--

993 (4) (a) A person, family foster home, or residential child-
994 caring agency may ~~shall~~ not provide ~~receive a child for~~
995 continuing full-time child care or custody unless such person,
996 home, or agency has first procured a license from the department
997 to provide such care. This requirement does not apply to a person
998 who is a relative of the child by blood, marriage, or adoption,
999 ~~or to a permanent legal guardian established under s. 39.6221, a~~
1000 ~~person who has received the child from the department,~~ a licensed
1001 child-placing agency, or an intermediary for the purposes of
1002 adoption pursuant to chapter 63.

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1003 Section 22. Section 409.401, Florida Statutes, is amended
1004 to read:

1005 (Substantial rewording of section. See s. 409.401,
1006 F.S., for present text.)

1007 409.401 Interstate Compact on the Placement of
1008 Children.--The Interstate Compact on the Placement of Children is
1009 enacted into law and entered into with all other jurisdictions
1010 substantially as follows:

1011 ARTICLE I. PURPOSE

1012 The purpose of this Interstate Compact for the Placement of
1013 Children is to:

1014 A. Provide a process through which children subject to this
1015 compact are placed in safe and suitable homes in a timely manner.

1016 B. Facilitate ongoing supervision of a placement, the
1017 delivery of services, and communication between the states.

1018 C. Provide operating procedures that will ensure that
1019 children are placed in safe and suitable homes in a timely manner.

1020 D. Provide for the promulgation and enforcement of
1021 administrative rules implementing the provisions of this compact
1022 and regulating the covered activities of the member states.

1023 E. Provide for uniform data collection and information
1024 sharing between member states under this compact.

1025 F. Promote coordination between this compact, the
1026 Interstate Compact for Juveniles, the Interstate Compact on
1027 Adoption and Medical Assistance and other compacts affecting the
1028 placement of and which provide services to children otherwise
1029 subject to this compact.

1030 G. Provide for a state's continuing legal jurisdiction and
1031 responsibility for placement and care of a child that it would

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1032 have had if the placement were intrastate.

1033 H. Provide for the promulgation of guidelines, in
1034 collaboration with Indian tribes, for interstate cases involving
1035 Indian children as is or may be permitted by federal law.

1036 ARTICLE II. DEFINITIONS

1037 As used in this compact,

1038 A. "Approved placement" means the public child-placing
1039 agency in the receiving state has determined that the placement
1040 is both safe and suitable for the child.

1041 B. "Assessment" means an evaluation of a prospective
1042 placement by a public child-placing agency in the receiving state
1043 to determine if the placement meets the individualized needs of
1044 the child, including, but not limited to, the child's safety and
1045 stability, health and well-being, and mental, emotional, and
1046 physical development. An assessment is only applicable to a
1047 placement by a public child-placing agency.

1048 C. "Child" means an individual who has not attained the age
1049 of 18.

1050 D. "Certification" means to attest, declare, or swear to
1051 before a judge or notary public.

1052 E. "Default" means the failure of a member state to perform
1053 the obligations or responsibilities imposed upon it by this
1054 compact or the bylaws or rules of the Interstate Commission.

1055 F. "Home study" means an evaluation of a home environment
1056 conducted in accordance with the applicable requirements of the
1057 state in which the home is located, and documents the preparation
1058 and the suitability of the placement resource for placement of a
1059 child in accordance with the laws and requirements of the state
1060 in which the home is located.

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1061 G. "Indian tribe" means any Indian tribe, band, nation, or
1062 other organized group or community of Indians recognized as
1063 eligible for services provided to Indians by the Secretary of the
1064 Interior because of their status as Indians, including any
1065 Alaskan native village as defined in section 3 (c) of the Alaska
1066 Native Claims Settlement Act at 43 USC s. 1602(c).

1067 H. "Interstate Commission for the Placement of Children"
1068 means the commission that is created under Article VIII of this
1069 compact and which is generally referred to as the Interstate
1070 Commission.

1071 I. "Jurisdiction" means the power and authority of a court
1072 to hear and decide matters.

1073 J. "Legal risk placement" ("legal risk adoption") means a
1074 placement made preliminary to an adoption where the prospective
1075 adoptive parents acknowledge in writing that a child can be
1076 ordered returned to the sending state or the birth mother's state
1077 of residence, if different from the sending state, and a final
1078 decree of adoption shall not be entered in any jurisdiction until
1079 all required consents are obtained or are dispensed with in
1080 accordance with applicable law.

1081 K. "Member state" means a state that has enacted this
1082 compact.

1083 L. "Noncustodial parent" means a person who, at the time of
1084 the commencement of court proceedings in the sending state, does
1085 not have sole legal custody of the child or has joint legal
1086 custody of a child, and who is not the subject of allegations or
1087 findings of child abuse or neglect.

1088 M. "Nonmember state" means a state that has not enacted
1089 this compact.

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1090 N. "Notice of residential placement" means information
1091 regarding a placement into a residential facility provided to the
1092 receiving state, including, but not limited to, the name, date
1093 and place of birth of the child, the identity and address of the
1094 parent or legal guardian, evidence of authority to make the
1095 placement, and the name and address of the facility in which the
1096 child will be placed. Notice of residential placement shall also
1097 include information regarding a discharge and any unauthorized
1098 absence from the facility.

1099 O. "Placement" means the act by a public or private child-
1100 placing agency intended to arrange for the care or custody of a
1101 child in another state.

1102 P. "Private child-placing agency" means any private
1103 corporation, agency, foundation, institution, or charitable
1104 organization, or any private person or attorney that facilitates,
1105 causes, or is involved in the placement of a child from one state
1106 to another and that is not an instrumentality of the state or
1107 acting under color of state law.

1108 Q. "Provisional placement" means a determination made by
1109 the public child-placing agency in the receiving state that the
1110 proposed placement is safe and suitable, and, to the extent
1111 allowable, the receiving state has temporarily waived its
1112 standards or requirements otherwise applicable to prospective
1113 foster or adoptive parents so as to not delay the placement.
1114 Completion of the receiving state requirements regarding training
1115 for prospective foster or adoptive parents shall not delay an
1116 otherwise safe and suitable placement.

1117 R. "Public child-placing agency" means any government child
1118 welfare agency or child protection agency or a private entity

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1119 under contract with such an agency, regardless of whether they
1120 act on behalf of a state, county, municipality, or other
1121 governmental unit and which facilitates, causes, or is involved
1122 in the placement of a child from one state to another.

1123 S. "Receiving state" means the state to which a child is
1124 sent, brought, or caused to be sent or brought.

1125 T. "Relative" means someone who is related to the child as
1126 a parent, step-parent, sibling by half or whole blood or by
1127 adoption, grandparent, aunt, uncle, or first cousin or a
1128 nonrelative with such significant ties to the child that they may
1129 be regarded as relatives as determined by the court in the
1130 sending state.

1131 U. "Residential facility" means a facility providing a
1132 level of care that is sufficient to substitute for parental
1133 responsibility or foster care, and is beyond what is needed for
1134 assessment or treatment of an acute condition. For purposes of
1135 the compact, residential facilities do not include institutions
1136 primarily educational in character, hospitals, or other medical
1137 facilities.

1138 V. "Rule" means a written directive, mandate, standard, or
1139 principle issued by the Interstate Commission promulgated
1140 pursuant to Article XI of this compact which is of general
1141 applicability and that implements, interprets, or prescribes a
1142 policy or provision of the compact. "Rule" has the force and
1143 effect of an administrative rule in a member state, and includes
1144 the amendment, repeal, or suspension of an existing rule.

1145 W. "Sending state" means the state from which the placement
1146 of a child is initiated.

1147 X. "Service member's permanent duty station" means the

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1148 military installation where an active duty Armed Services member
1149 is currently assigned and is physically located under competent
1150 orders that do not specify the duty as temporary.

1151 Y. "Service member's state of legal residence" means the
1152 state in which the active duty Armed Services member is
1153 considered a resident for tax and voting purposes.

1154 Z. "State" means a state of the United States, the District
1155 of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin
1156 Islands, Guam, American Samoa, the Northern Marianas Islands, and
1157 any other territory of the United States.

1158 AA. "State court" means a judicial body of a state that is
1159 vested by law with responsibility for adjudicating cases
1160 involving abuse, neglect, deprivation, delinquency, or status
1161 offenses of individuals who have not attained the age of 18.

1162 BB. "Supervision" means monitoring provided by the
1163 receiving state once a child has been placed in a receiving state
1164 pursuant to this compact.

1165 ARTICLE III. APPLICABILITY

1166 A. Except as otherwise provided in Article III, Section B,
1167 this compact shall apply to:

1168 1. The interstate placement of a child subject to ongoing
1169 court jurisdiction in the sending state, due to allegations or
1170 findings that the child has been abused, neglected, or deprived
1171 as defined by the laws of the sending state, provided, however,
1172 that the placement of such a child into a residential facility
1173 shall only require notice of residential placement to the
1174 receiving state prior to placement.

1175 2. The interstate placement of a child adjudicated
1176 delinquent or unmanageable based on the laws of the sending state

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1177 and subject to ongoing court jurisdiction of the sending state
1178 if:

1179 a. The child is being placed in a residential facility in
1180 another member state and is not covered under another compact; or

1181 b. The child is being placed in another member state and
1182 the determination of safety and suitability of the placement and
1183 services required is not provided through another compact.

1184 3. The interstate placement of any child by a public child-
1185 placing agency or private child-placing agency as defined in this
1186 compact as a preliminary step to a possible adoption.

1187 B. The provisions of this compact shall not apply to:

1188 1. The interstate placement of a child in a custody
1189 proceeding in which a public child-placing agency is not a party,
1190 provided, the placement is not intended to effectuate an
1191 adoption.

1192 2. The interstate placement of a child with a nonrelative
1193 in a receiving state by a parent with the legal authority to make
1194 such a placement, provided, however, that the placement is not
1195 intended to effectuate an adoption.

1196 3. The interstate placement of a child by one relative with
1197 the lawful authority to make such a placement directly with a
1198 relative in a receiving state.

1199 4. The placement of a child, not subject to Article III,
1200 Section A, into a residential facility by his parent.

1201 5. The placement of a child with a noncustodial parent
1202 provided that:

1203 a. The noncustodial parent proves to the satisfaction of a
1204 court in the sending state a substantial relationship with the
1205 child;

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1206 b. The court in the sending state makes a written finding
1207 that placement with the noncustodial parent is in the best
1208 interests of the child; and

1209 c. The court in the sending state dismisses its
1210 jurisdiction over the child's case.

1211 6. A child entering the United States from a foreign
1212 country for the purpose of adoption or leaving the United States
1213 to go to a foreign country for the purpose of adoption in that
1214 country.

1215 7. Cases in which a U.S. citizen child living overseas with
1216 his family, at least one of whom is in the U.S. Armed Services,
1217 and who is stationed overseas, is removed and placed in a state.

1218 8. The sending of a child by a public child-placing agency
1219 or a private child-placing agency for a visit as defined by the
1220 rules of the Interstate Commission.

1221 C. For purposes of determining the applicability of this
1222 compact to the placement of a child with a family in the Armed
1223 Services, the public child-placing agency or private child-
1224 placing agency may choose the state of the service member's
1225 permanent duty station or the service member's declared legal
1226 residence.

1227 D. Nothing in this compact shall be construed to prohibit
1228 the concurrent application of the provisions of this compact with
1229 other applicable interstate compacts including the Interstate
1230 Compact for Juveniles and the Interstate Compact on Adoption and
1231 Medical Assistance. The Interstate Commission may in cooperation
1232 with other interstate compact commissions having responsibility
1233 for the interstate movement, placement, or transfer of children,
1234 promulgate like rules to ensure the coordination of services,

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1235 timely placement of children, and the reduction of unnecessary or
1236 duplicative administrative or procedural requirements.

1237 ARTICLE IV. JURISDICTION

1238 A. Except as provided in Article IV, Section G and Article
1239 V, Section B, paragraphs 2. and 3. concerning private and
1240 independent adoptions, and in interstate placements in which the
1241 public child-placing agency is not a party to a custody
1242 proceeding, the sending state shall retain jurisdiction over a
1243 child with respect to all matters of custody and disposition of
1244 the child which it would have had if the child had remained in
1245 the sending state. Such jurisdiction shall also include the power
1246 to order the return of the child to the sending state.

1247 B. When an issue of child protection or custody is brought
1248 before a court in the receiving state, such court shall confer
1249 with the court of the sending state to determine the most
1250 appropriate forum for adjudication.

1251 C. In accordance with its own laws, the court in the
1252 sending state shall have authority to terminate its jurisdiction
1253 if:

1254 1. The child is reunified with the parent in the receiving
1255 state who is the subject of allegations or findings of abuse or
1256 neglect, only with the concurrence of the public child-placing
1257 agency in the receiving state;

1258 2. The child is adopted;

1259 3. The child reaches the age of majority under the laws of
1260 the sending state;

1261 4. The child achieves legal independence pursuant to the
1262 laws of the sending state;

1263 5. A guardianship is created by a court in the receiving

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1264 state with the concurrence of the court in the sending state;

1265 6. An Indian tribe has petitioned for and received
1266 jurisdiction from the court in the sending state; or

1267 7. The public child-placing agency of the sending state
1268 requests termination and has obtained the concurrence of the
1269 public child-placing agency in the receiving state.

1270 D. When a sending state court terminates its jurisdiction,
1271 the receiving state child-placing agency shall be notified.

1272 E. Nothing in this article shall defeat a claim of
1273 jurisdiction by a receiving state court sufficient to deal with
1274 an act of truancy, delinquency, crime, or behavior involving a
1275 child as defined by the laws of the receiving state committed by
1276 the child in the receiving state which would be a violation of
1277 its laws.

1278 F. Nothing in this article shall limit the receiving
1279 state's ability to take emergency jurisdiction for the protection
1280 of the child.

1281 G. The substantive laws of the state in which an adoption
1282 will be finalized shall solely govern all issues relating to the
1283 adoption of the child and the court in which the adoption
1284 proceeding is filed shall have subject matter jurisdiction
1285 regarding all substantive issues relating to the adoption,
1286 except:

1287 1. When the child is a ward of another court that
1288 established jurisdiction over the child prior to the placement;

1289 2. When the child is in the legal custody of a public
1290 agency in the sending state; or

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1291 3. When a court in the sending state has otherwise
1292 appropriately assumed jurisdiction over the child, prior to the
1293 submission of the request for approval of placement.

1294 H. A final decree of adoption shall not be entered in any
1295 jurisdiction until the placement is authorized as an "approved
1296 placement" by the public child-placing agency in the receiving
1297 state.

1298 ARTICLE V. PLACEMENT EVALUATION

1299 A. Prior to sending, bringing, or causing a child to be
1300 sent or brought into a receiving state, the public child-placing
1301 agency shall provide a written request for assessment to the
1302 receiving state.

1303 B. For placements by a private child-placing agency, a
1304 child may be sent or brought, or caused to be sent or brought,
1305 into a receiving state, upon receipt and immediate review of the
1306 required content in a request for approval of a placement in both
1307 the sending and receiving state public child-placing agency. The
1308 required content to accompany a request for approval shall
1309 include all of the following:

1310 1. A request for approval identifying the child, birth
1311 parent(s), the prospective adoptive parent(s), and the
1312 supervising agency, signed by the person requesting approval;

1313 2. The appropriate consents or relinquishments signed by
1314 the birth-parents in accordance with the laws of the sending
1315 state, or where permitted the laws of the state where the
1316 adoption will be finalized;

1317 3. Certification by a licensed attorney or authorized agent
1318 of a private adoption agency that the consent or relinquishment
1319 is in compliance with the applicable laws of the sending state,

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1320 or where permitted the laws of the state where finalization of
1321 the adoption will occur;

1322 4. A home study; and

1323 5. An acknowledgment of legal risk signed by the
1324 prospective adoptive parents.

1325 C. The sending state and the receiving state may request
1326 additional information or documents prior to finalization of an
1327 approved placement, but they may not delay travel by the
1328 prospective adoptive parents with the child if the required
1329 content for approval has been submitted, received, and reviewed
1330 by the public child-placing agency in both the sending state and
1331 the receiving state.

1332 D. Approval from the public child-placing agency in the
1333 receiving state for a provisional or approved placement is
1334 required as provided for in the rules of the Interstate
1335 Commission.

1336 E. The procedures for making the request for an assessment
1337 shall contain all information and be in such form as provided for
1338 in the rules of the Interstate Commission.

1339 F. Upon receipt of a request from the public child-placing
1340 agency of the sending state, the receiving state shall initiate
1341 an assessment of the proposed placement to determine its safety
1342 and suitability. If the proposed placement is a placement with a
1343 relative, the public child-placing agency of the sending state
1344 may request a determination for a provisional placement.

1345 G. The public child-placing agency in the receiving state
1346 may request from the public child-placing agency or the private
1347 child-placing agency in the sending state, and shall be entitled
1348 to receive supporting or additional information necessary to

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1349 complete the assessment or approve the placement.

1350 H. The public child-placing agency in the receiving state
1351 shall approve a provisional placement and complete or arrange for
1352 the completion of the assessment within the timeframes
1353 established by the rules of the Interstate Commission.

1354 I. For a placement by a private child-placing agency, the
1355 sending state shall not impose any additional requirements to
1356 complete the home study that are not required by the receiving
1357 state, unless the adoption is finalized in the sending state.

1358 J. The Interstate Commission may develop uniform standards
1359 for the assessment of the safety and suitability of interstate
1360 placements.

1361 ARTICLE VI. PLACEMENT AUTHORITY

1362 A. Except as otherwise provided in this compact, no child
1363 subject to this compact shall be placed into a receiving state
1364 until approval for such placement is obtained.

1365 B. If the public child-placing agency in the receiving
1366 state does not approve the proposed placement then the child
1367 shall not be placed. The receiving state shall provide written
1368 documentation of any such determination in accordance with the
1369 rules promulgated by the Interstate Commission. Such
1370 determination is not subject to judicial review in the sending
1371 state.

1372 C. If the proposed placement is not approved, any
1373 interested party shall have standing to seek an administrative
1374 review of the receiving state's determination.

1375 1. The administrative review and any further judicial
1376 review associated with the determination shall be conducted in
1377 the receiving state pursuant to its applicable administrative

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1378 procedures.

1379 2. If a determination not to approve the placement of the
1380 child in the receiving state is overturned upon review, the
1381 placement shall be deemed approved, provided, however, that all
1382 administrative or judicial remedies have been exhausted or the
1383 time for such remedies has passed.

1384 ARTICLE VII. PLACING AGENCY RESPONSIBILITY

1385 A. For the interstate placement of a child made by a public
1386 child-placing agency or state court:

1387 1. The public child-placing agency in the sending state
1388 shall have financial responsibility for:

1389 a. The ongoing support and maintenance for the child during
1390 the period of the placement, unless otherwise provided for in the
1391 receiving state; and

1392 b. As determined by the public child-placing agency in the
1393 sending state, services for the child beyond the public services
1394 for which the child is eligible in the receiving state.

1395 2. The receiving state shall only have financial
1396 responsibility for:

1397 a. Any assessment conducted by the receiving state; and

1398 b. Supervision conducted by the receiving state at the
1399 level necessary to support the placement as agreed upon by the
1400 public child-placing agencies of the receiving and sending state.

1401 3. Nothing in this provision shall prohibit public child-
1402 placing agencies in the sending state from entering into
1403 agreements with licensed agencies or persons in the receiving
1404 state to conduct assessments and provide supervision.

1405 B. For the placement of a child by a private child-placing
1406 agency preliminary to a possible adoption, the private child-

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1407 placing agency shall be:

1408 1. Legally responsible for the child during the period of
1409 placement as provided for in the law of the sending state until
1410 the finalization of the adoption.

1411 2. Financially responsible for the child absent a
1412 contractual agreement to the contrary.

1413 C. The public child-placing agency in the receiving state
1414 shall provide timely assessments, as provided for in the rules of
1415 the Interstate Commission.

1416 D. The public child-placing agency in the receiving state
1417 shall provide, or arrange for the provision of, supervision and
1418 services for the child, including timely reports, during the
1419 period of the placement.

1420 E. Nothing in this compact shall be construed as to limit
1421 the authority of the public child-placing agency in the receiving
1422 state from contracting with a licensed agency or person in the
1423 receiving state for an assessment or the provision of supervision
1424 or services for the child or otherwise authorizing the provision
1425 of supervision or services by a licensed agency during the period
1426 of placement.

1427 F. Each member state shall provide for coordination among
1428 its branches of government concerning the state's participation
1429 in, and compliance with, the compact and Interstate Commission
1430 activities, through the creation of an advisory council or use of
1431 an existing body or board.

1432 G. Each member state shall establish a central state
1433 compact office, which shall be responsible for state compliance
1434 with the compact and the rules of the Interstate Commission.

1435 H. The public child-placing agency in the sending state

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1436 shall oversee compliance with the provisions of the Indian Child
1437 Welfare Act (25 USC ss. 1901 et seq.) for placements subject to
1438 the provisions of this compact, prior to placement.

1439 I. With the consent of the Interstate Commission, states
1440 may enter into limited agreements that facilitate the timely
1441 assessment and provision of services and supervision of
1442 placements under this compact.

1443 ARTICLE VIII. INTERSTATE COMMISSION FOR THE PLACEMENT OF
1444 CHILDREN

1445 The member states hereby establish, by way of this compact, a
1446 commission known as the "Interstate Commission for the Placement
1447 of Children." The activities of the Interstate Commission are the
1448 formation of public policy and are a discretionary state
1449 function. The Interstate Commission shall:

1450 A. Be a joint commission of the member states and shall
1451 have the responsibilities, powers, and duties set forth herein,
1452 and such additional powers as may be conferred upon it by
1453 subsequent concurrent action of the respective legislatures of
1454 the member states.

1455 B. Consist of one commissioner from each member state who
1456 shall be appointed by the executive head of the state human
1457 services administration with ultimate responsibility for the
1458 child welfare program. The appointed commissioner shall have the
1459 legal authority to vote on policy related matters governed by
1460 this compact binding the state.

1461 1. Each member state represented at a meeting of the
1462 Interstate Commission is entitled to one vote.

1463 2. A majority of the member states shall constitute a
1464 quorum for the transaction of business, unless a larger quorum is

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1465 required by the bylaws of the Interstate Commission.

1466 3. A representative shall not delegate a vote to another
1467 member state.

1468 4. A representative may delegate voting authority to
1469 another person from their state for a specified meeting.

1470 C. In addition to the commissioners of each member state,
1471 the Interstate Commission shall include persons who are members
1472 of interested organizations as defined in the bylaws or rules of
1473 the Interstate Commission. Such members shall be ex officio and
1474 shall not be entitled to vote on any matter before the Interstate
1475 Commission.

1476 D. Establish an executive committee which shall have the
1477 authority to administer the day-to-day operations and
1478 administration of the Interstate Commission. It shall not have
1479 the power to engage in rulemaking.

1480 ARTICLE IX. POWERS AND DUTIES OF THE INTERSTATE COMMISSION
1481 The Interstate Commission shall have the following powers:

1482 A. To promulgate rules and take all necessary actions to
1483 effect the goals, purposes, and obligations as enumerated in this
1484 compact.

1485 B. To provide for dispute resolution among member states.

1486 C. To issue, upon request of a member state, advisory
1487 opinions concerning the meaning or interpretation of the
1488 interstate compact, its bylaws, rules, or actions.

1489 D. To enforce compliance with this compact or the bylaws or
1490 rules of the Interstate Commission pursuant to Article XII.

1491 E. Collect standardized data concerning the interstate
1492 placement of children subject to this compact as directed through
1493 its rules which shall specify the data to be collected, the means

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1494 of collection and data exchange and reporting requirements.

1495 F. To establish and maintain offices as may be necessary
1496 for the transaction of its business.

1497 G. To purchase and maintain insurance and bonds.

1498 H. To hire or contract for services of personnel or
1499 consultants as necessary to carry out its functions under the
1500 compact and establish personnel qualification policies and rates
1501 of compensation.

1502 I. To establish and appoint committees and officers
1503 including, but not limited to, an executive committee as required
1504 by Article X.

1505 J. To accept any and all donations and grants of money,
1506 equipment, supplies, materials, and services, and to receive,
1507 utilize, and dispose thereof.

1508 K. To lease, purchase, accept contributions or donations
1509 of, or otherwise to own, hold, improve, or use any property,
1510 real, personal, or mixed.

1511 L. To sell, convey, mortgage, pledge, lease, exchange,
1512 abandon, or otherwise dispose of any property, real, personal, or
1513 mixed.

1514 M. To establish a budget and make expenditures.

1515 M. To adopt a seal and bylaws governing the management and
1516 operation of the Interstate Commission.

1517 O. To report annually to the legislatures, governors, the
1518 judiciary, and state advisory councils of the member states
1519 concerning the activities of the Interstate Commission during the
1520 preceding year. Such reports shall also include any
1521 recommendations that may have been adopted by the Interstate
1522 Commission.

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1523 P. To coordinate and provide education, training, and
1524 public awareness regarding the interstate movement of children
1525 for officials involved in such activity.

1526 Q. To maintain books and records in accordance with the
1527 bylaws of the Interstate Commission.

1528 R. To perform such functions as may be necessary or
1529 appropriate to achieve the purposes of this compact.

1530 ARTICLE X. ORGANIZATION AND OPERATION OF THE INTERSTATE
1531 COMMISSION

1532 A. Bylaws

1533 1. Within 12 months after the first Interstate Commission
1534 meeting, the Interstate Commission shall adopt bylaws to govern
1535 its conduct as may be necessary or appropriate to carry out the
1536 purposes of the compact.

1537 2. The Interstate Commission's bylaws and rules shall
1538 establish conditions and procedures under which the Interstate
1539 Commission shall make its information and official records
1540 available to the public for inspection or copying. The Interstate
1541 Commission may exempt from disclosure information or official
1542 records to the extent they would adversely affect personal
1543 privacy rights or proprietary interests.

1544 B. Meetings

1545 1. The Interstate Commission shall meet at least once each
1546 calendar year. The chairperson may call additional meetings and,
1547 upon the request of a simple majority of the member states shall
1548 call additional meetings.

1549 2. Public notice shall be given by the Interstate
1550 Commission of all meetings and all meetings shall be open to the
1551 public, except as set forth in the rules or as otherwise provided

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1552 in the compact. The Interstate Commission and its committees may
1553 close a meeting, or portion thereof, where it determines by two-
1554 thirds vote that an open meeting would be likely to:

1555 a. Relate solely to the Interstate Commission's internal
1556 personnel practices and procedures;

1557 b. Disclose matters specifically exempted from disclosure
1558 by federal law;

1559 c. Disclose financial or commercial information which is
1560 privileged, proprietary, or confidential in nature; or

1561 d. Involve accusing a person of a crime or formally
1562 censuring a person;

1563 e. Disclose information of a personal nature where
1564 disclosure would constitute a clearly unwarranted invasion of
1565 personal privacy or physically endanger one or more persons;

1566 f. Disclose investigative records compiled for law
1567 enforcement purposes; or

1568 g. Specifically relate to the Interstate Commission's
1569 participation in a civil action or other legal proceeding.

1570 3. For a meeting, or portion of a meeting, closed pursuant
1571 to this provision, the Interstate Commission's legal counsel or
1572 designee shall certify that the meeting may be closed and shall
1573 reference each relevant exemption provision. The Interstate
1574 Commission shall keep minutes which shall fully and clearly
1575 describe all matters discussed in a meeting and shall provide a
1576 full and accurate summary of actions taken, and the reasons
1577 therefore, including a description of the views expressed and the
1578 record of a roll call vote. All documents considered in
1579 connection with an action shall be identified in such minutes.
1580 All minutes and documents of a closed meeting shall remain under

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1581 seal, subject to release by a majority vote of the Interstate
1582 Commission or by court order.

1583 4. The bylaws may provide for meetings of the Interstate
1584 Commission to be conducted by telecommunication or other
1585 electronic communication.

1586 C. Officers and Staff

1587 1. The Interstate Commission may, through its executive
1588 committee, appoint or retain a staff director for such period,
1589 upon such terms and conditions and for such compensation as the
1590 Interstate Commission may deem appropriate. The staff director
1591 shall serve as secretary to the Interstate Commission, but shall
1592 not have a vote. The staff director may hire and supervise such
1593 other staff as may be authorized by the Interstate Commission.

1594 2. The Interstate Commission shall elect, from among its
1595 members, a chairperson and a vice chairperson of the executive
1596 committee and other necessary officers, each of whom shall have
1597 such authority and duties as may be specified in the bylaws.

1598 D. Qualified Immunity, Defense and Indemnification

1599 1. The Interstate Commission's staff director and its
1600 employees shall be immune from suit and liability, either
1601 personally or in their official capacity, for a claim for damage
1602 to or loss of property or personal injury or other civil
1603 liability caused or arising out of or relating to an actual or
1604 alleged act, error, or omission that occurred, or that such
1605 person had a reasonable basis for believing occurred within the
1606 scope of Commission employment, duties, or responsibilities;
1607 provided, that such person shall not be protected from suit or
1608 liability for damage, loss, injury, or liability caused by a
1609 criminal act or the intentional or willful and wanton misconduct

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1610 of such person.

1611 a. The liability of the Interstate Commission's staff
1612 director and employees or Interstate Commission representatives,
1613 acting within the scope of such person's employment or duties for
1614 acts, errors, or omissions occurring within such person's state
1615 may not exceed the limits of liability set forth under the
1616 Constitution and laws of that state for state officials,
1617 employees, and agents. The Interstate Commission is considered to
1618 be an instrumentality of the states for the purposes of any such
1619 action. Nothing in this subsection shall be construed to protect
1620 such person from suit or liability for damage, loss, injury, or
1621 liability caused by a criminal act or the intentional or willful
1622 and wanton misconduct of such person.

1623 b. The Interstate Commission shall defend the staff
1624 director and its employees and, subject to the approval of the
1625 Attorney General or other appropriate legal counsel of the member
1626 state shall defend the commissioner of a member state in a civil
1627 action seeking to impose liability arising out of an actual or
1628 alleged act, error, or omission that occurred within the scope of
1629 Interstate Commission employment, duties, or responsibilities, or
1630 that the defendant had a reasonable basis for believing occurred
1631 within the scope of Interstate Commission employment, duties, or
1632 responsibilities, provided that the actual or alleged act, error,
1633 or omission did not result from intentional or willful and wanton
1634 misconduct on the part of such person.

1635 c. To the extent not covered by the state involved, member
1636 state, or the Interstate Commission, the representatives or
1637 employees of the Interstate Commission shall be held harmless in
1638 the amount of a settlement or judgment, including attorney's fees

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1639 and costs, obtained against such persons arising out of an actual
1640 or alleged act, error, or omission that occurred within the scope
1641 of Interstate Commission employment, duties, or responsibilities,
1642 or that such persons had a reasonable basis for believing
1643 occurred within the scope of Interstate Commission employment,
1644 duties, or responsibilities, provided that the actual or alleged
1645 act, error, or omission did not result from intentional or
1646 willful and wanton misconduct on the part of such persons.

1647 ARTICLE XI. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

1648 A. The Interstate Commission shall promulgate and publish
1649 rules in order to effectively and efficiently achieve the
1650 purposes of the compact.

1651 B. Rulemaking shall occur pursuant to the criteria set
1652 forth in this article and the bylaws and rules adopted pursuant
1653 thereto. Such rulemaking shall substantially conform to the
1654 principles of the "Model State Administrative Procedures Act,"
1655 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000), or such
1656 other administrative procedure acts as the Interstate Commission
1657 deems appropriate consistent with due process requirements under
1658 the United States Constitution as now or hereafter interpreted by
1659 the U.S. Supreme Court. All rules and amendments shall become
1660 binding as of the date specified, as published with the final
1661 version of the rule as approved by the Interstate Commission.

1662 C. When promulgating a rule, the Interstate Commission
1663 shall, at a minimum:

1664 1. Publish the proposed rule's entire text stating the
1665 reason(s) for that proposed rule;

1666 2. Allow and invite any and all persons to submit written
1667 data, facts, opinions, and arguments, which information shall be

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1668 added to the record, and be made publicly available; and

1669 3. Promulgate a final rule and its effective date, if
1670 appropriate, based on input from state or local officials, or
1671 interested parties.

1672 D. Rules promulgated by the Interstate Commission shall
1673 have the force and effect of administrative rules and shall be
1674 binding in the compacting states to the extent and in the manner
1675 provided for in this compact.

1676 E. Not later than 60 days after a rule is promulgated, an
1677 interested person may file a petition in the U.S. District Court
1678 for the District of Columbia or in the Federal District Court
1679 where the Interstate Commission's principal office is located for
1680 judicial review of such rule. If the court finds that the
1681 Interstate Commission's action is not supported by substantial
1682 evidence in the rulemaking record, the court shall hold the rule
1683 unlawful and set it aside.

1684 F. If a majority of the legislatures of the member states
1685 rejects a rule, those states may, by enactment of a statute or
1686 resolution in the same manner used to adopt the compact, cause
1687 that such rule shall have no further force and effect in any
1688 member state.

1689 G. The existing rules governing the operation of the
1690 Interstate Compact on the Placement of Children superseded by
1691 this act shall be null and void no less than 12, but no more than
1692 24 months after the first meeting of the Interstate Commission
1693 created hereunder, as determined by the members during the first
1694 meeting.

1695 H. Within the first 12 months of operation, the Interstate
1696 Commission shall promulgate rules addressing the following:

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- 1697 1. Transition rules.
- 1698 2. Forms and procedures.
- 1699 3. Time lines.
- 1700 4. Data collection and reporting.
- 1701 5. Rulemaking.
- 1702 6. Visitation.
- 1703 7. Progress reports/supervision.
- 1704 8. Sharing of information/confidentiality.
- 1705 9. Financing of the Interstate Commission.
- 1706 10. Mediation, arbitration, and dispute resolution.
- 1707 11. Education, training, and technical assistance.
- 1708 12. Enforcement
- 1709 13. Coordination with other interstate compacts.
- 1710 I. Upon determination by a majority of the members of the
- 1711 Interstate Commission that an emergency exists:
- 1712 1. The Interstate Commission may promulgate an emergency
- 1713 rule only if it is required to:
- 1714 a. Protect the children covered by this compact from an
- 1715 imminent threat to their health, safety, and well-being;
- 1716 b. Prevent loss of federal or state funds; or
- 1717 c. Meet a deadline for the promulgation of an
- 1718 administrative rule required by federal law.
- 1719 2. An emergency rule shall become effective immediately
- 1720 upon adoption, provided that the usual rulemaking procedures
- 1721 provided hereunder shall be retroactively applied to said rule as
- 1722 soon as reasonably possible, but no later than 90 days after the
- 1723 effective date of the emergency rule.
- 1724 3. An emergency rule shall be promulgated as provided for
- 1725 in the rules of the Interstate Commission.

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1726 ARTICLE XII. OVERSIGHT, DISPUTE RESOLUTION, ENFORCEMENT

1727 A. Oversight.

1728 1. The Interstate Commission shall oversee the
1729 administration and operation of the compact.

1730 2. The executive, legislative, and judicial branches of
1731 state government in each member state shall enforce this compact
1732 and the rules of the Interstate Commission and shall take all
1733 actions necessary and appropriate to effectuate the compact's
1734 purposes and intent. The compact and its rules shall be binding
1735 in the compacting states to the extent and in the manner provided
1736 for in this compact.

1737 3. All courts shall take judicial notice of the compact and
1738 the rules in any judicial or administrative proceeding in a
1739 member state pertaining to the subject matter of this compact.

1740 4. The Interstate Commission shall be entitled to receive
1741 service of process in any action in which the validity of a
1742 compact provision or rule is the issue for which a judicial
1743 determination has been sought and shall have standing to
1744 intervene in any proceedings. Failure to provide service of
1745 process to the Interstate Commission shall render any judgment,
1746 order, or other determination, however so captioned or
1747 classified, void as to the Interstate Commission, this compact,
1748 its bylaws, or rules of the Interstate Commission.

1749 B. Dispute Resolution.

1750 1. The Interstate Commission shall attempt, upon the
1751 request of a member state, to resolve disputes which are subject
1752 to the compact and which may arise among member states and
1753 between member and nonmember states.

1754 2. The Interstate Commission shall promulgate a rule

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1755 providing for both mediation and binding dispute resolution for
1756 disputes among compacting states. The costs of such mediation or
1757 dispute resolution shall be the responsibility of the parties to
1758 the dispute.

1759 C. Enforcement

1760 1. If the Interstate Commission determines that a member
1761 state has defaulted in the performance of its obligations or
1762 responsibilities under this compact, its bylaws or rules, the
1763 Interstate Commission may:

1764 a. Provide remedial training and specific technical
1765 assistance;

1766 b. Provide written notice to the defaulting state and other
1767 member states, of the nature of the default and the means of
1768 curing the default. The Interstate Commission shall specify the
1769 conditions by which the defaulting state must cure its default;

1770 c. By majority vote of the members, initiate against a
1771 defaulting member state legal action in the United States
1772 District Court for the District of Columbia or, at the discretion
1773 of the Interstate Commission, in the federal district where the
1774 Interstate Commission has its principal office, to enforce
1775 compliance with the provisions of the compact, its bylaws or
1776 rules. The relief sought may include both injunctive relief and
1777 damages. In the event judicial enforcement is necessary, the
1778 prevailing party shall be awarded all costs of such litigation
1779 including reasonable attorney's fees; or

1780 d. Avail itself of any other remedies available under state
1781 law or the regulation of official or professional conduct.

1782 ARTICLE XIII. FINANCING OF THE COMMISSION

1783 A. The Interstate Commission shall pay, or provide for the

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1784 payment of the reasonable expenses of its establishment,
1785 organization, and ongoing activities.

1786 B. The Interstate Commission may levy on and collect an
1787 annual assessment from each member state to cover the cost of the
1788 operations and activities of the Interstate Commission and its
1789 staff which must be in a total amount sufficient to cover the
1790 Interstate Commission's annual budget as approved by its members
1791 each year. The aggregate annual assessment amount shall be
1792 allocated based upon a formula to be determined by the Interstate
1793 Commission which shall promulgate a rule binding upon all member
1794 states.

1795 C. The Interstate Commission shall not incur obligations of
1796 any kind prior to securing the funds adequate to meet the same;
1797 nor shall the Interstate Commission pledge the credit of any of
1798 the member states, except by and with the authority of the member
1799 state.

1800 D. The Interstate Commission shall keep accurate accounts
1801 of all receipts and disbursements. The receipts and disbursements
1802 of the Interstate Commission shall be subject to the audit and
1803 accounting procedures established under its bylaws. However, all
1804 receipts and disbursements of funds handled by the Interstate
1805 Commission shall be audited yearly by a certified or licensed
1806 public accountant and the report of the audit shall be included
1807 in and become part of the annual report of the Interstate
1808 Commission.

1809 ARTICLE XIV. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

1810 A. Any state is eligible to become a member state.

1811 B. The compact shall become effective and binding upon
1812 legislative enactment of the compact into law by no less than 35

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1813 states. The effective date shall be the later of July 1, 2007, or
1814 upon enactment of the compact into law by the 35th state.

1815 Thereafter, it shall become effective and binding as to any other
1816 member state upon enactment of the compact into law by that
1817 state. The executive heads of the state human services
1818 administration with ultimate responsibility for the child welfare
1819 program of nonmember states or their designees shall be invited
1820 to participate in the activities of the Interstate Commission on
1821 a nonvoting basis prior to adoption of the compact by all states.

1822 C. The Interstate Commission may propose amendments to the
1823 compact for enactment by the member states. No amendment shall
1824 become effective and binding on the member states unless and
1825 until it is enacted into law by unanimous consent of the member
1826 states.

1827 ARTICLE XV. WITHDRAWAL AND DISSOLUTION

1828 A. Withdrawal

1829 1. Once effective, the compact shall continue in force and
1830 remain binding upon each and every member state. A member state
1831 may withdraw from the compact specifically repealing the statute
1832 which enacted the compact into law.

1833 2. Withdrawal from this compact shall be by the enactment
1834 of a statute repealing the same. The effective date of withdrawal
1835 shall be the effective date of the repeal of the statute.

1836 3. The withdrawing state shall immediately notify the
1837 president of the Interstate Commission in writing upon the
1838 introduction of legislation repealing this compact in the
1839 withdrawing state. The Interstate Commission shall then notify
1840 the other member states of the withdrawing state's intent to
1841 withdraw.

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1842 4. The withdrawing state is responsible for all
1843 assessments, obligations, and liabilities incurred through the
1844 effective date of withdrawal.

1845 5. Reinstatement following withdrawal of a member state
1846 shall occur upon the withdrawing state reenacting the compact or
1847 upon such later date as determined by the members of the
1848 Interstate Commission.

1849 B. Dissolution of Compact

1850 1. This compact shall dissolve effective upon the date of
1851 the withdrawal or default of the member state which reduces the
1852 membership in the compact to one member state.

1853 2. Upon the dissolution of this compact, the compact
1854 becomes null and void and shall be of no further force or effect,
1855 and the business and affairs of the Interstate Commission shall
1856 be concluded and surplus funds shall be distributed in accordance
1857 with the bylaws.

1858 ARTICLE XVI. SEVERABILITY AND CONSTRUCTION

1859 A. The provisions of this compact shall be severable, and
1860 if any phrase, clause, sentence, or provision is deemed
1861 unenforceable, the remaining provisions of the compact shall be
1862 enforceable.

1863 B. The provisions of this compact shall be liberally
1864 construed to effectuate its purposes.

1865 C. Nothing in this compact shall be construed to prohibit
1866 the concurrent applicability of other interstate compacts to
1867 which the states are members.

1868 ARTICLE XVII. BINDING EFFECT OF COMPACT AND OTHER LAWS

1869 A. Other Laws

1870 1. Nothing herein prevents the enforcement of any other law

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1871 of a member state that is not inconsistent with this compact.

1872 B. Binding Effect of the Compact

1873 1. All lawful actions of the Interstate Commission,
1874 including all rules and bylaws promulgated by the Interstate
1875 Commission, are binding upon the member states.

1876 2. All agreements between the Interstate Commission and the
1877 member states are binding in accordance with their terms.

1878 3. If any provision of this compact exceeds the
1879 constitutional limits imposed on the legislature of any member
1880 state, such provision shall be ineffective to the extent of the
1881 conflict with the constitutional provision in question in that
1882 member state.

1883 ARTICLE XVIII. INDIAN TRIBES

1884 Notwithstanding any other provision in this compact, the
1885 Interstate Commission may promulgate guidelines to permit Indian
1886 tribes to utilize the compact to achieve any or all of the
1887 purposes of the compact as specified in Article I. The Interstate
1888 Commission shall make reasonable efforts to consult with Indian
1889 tribes in promulgating guidelines to reflect the diverse
1890 circumstances of the various Indian tribes.

1891 Section 23. Sections 409.402 and 409.403, Florida Statutes,
1892 are repealed.

1893 Section 24. Section 409.404, Florida Statutes, is amended
1894 to read:

1895 409.404 Agreements between party state officers and
1896 agencies.--

1897 (1) The officers and agencies of this state and its
1898 subdivisions having authority to place children ~~may~~ ~~are hereby~~
1899 ~~empowered to~~ enter into agreements with appropriate officers or

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1900 agencies of or in other party states pursuant to ~~paragraph (b) of~~
1901 ~~Article V of the Interstate Compact on the Placement of Children,~~
1902 ~~s. 409.401.~~ Any such agreement that ~~which~~ contains a financial
1903 commitment or imposes a financial obligation on this state or
1904 subdivision or agency thereof is ~~shall~~ not be binding unless it
1905 has the approval in writing of the secretary of Children and
1906 Family Services in the case of the state.

1907 (2) Any requirements for visitation, inspection, or
1908 supervision of children, homes, institutions, or other agencies
1909 in another party state which may apply under the provisions of
1910 chapter 63 and this chapter are ~~shall be~~ deemed to be met if
1911 performed pursuant to an agreement entered into by appropriate
1912 agencies of this state or a subdivision thereof as contemplated
1913 by ~~paragraph (b) of Article V of the Interstate Compact on the~~
1914 ~~Placement of Children, s. 409.401.~~

1915 Section 25. Subsection (3) of section 787.04, Florida
1916 Statutes, is amended to read:

1917 787.04 Removing minors from state or concealing minors
1918 contrary to state agency order or court order.--

1919 (3) It is unlawful for any person, ~~with criminal intent,~~ to
1920 knowingly and willfully lead, take, entice, or remove a minor
1921 beyond the limits of this state, or to knowingly and willfully
1922 conceal the location of a minor, during the pendency of a
1923 dependency proceeding affecting such minor or during the pendency
1924 of any investigation, action, or proceeding concerning the
1925 alleged abuse or neglect of such minor, after having received
1926 actual or constructive notice of the pendency of such
1927 investigation, action, or proceeding and without the permission

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1928 of the state agency or court in which the investigation, action,
1929 or proceeding is pending.

1930 Section 26. Subsection (1) of section 937.021, Florida
1931 Statutes, is amended to read:

1932 937.021 Missing child reports.--

1933 (1) Upon the filing of a police report that a child is
1934 missing by the parent or guardian, the Department of Children and
1935 Family Services, a community-based care provider, or a sheriff's
1936 office providing investigative services for the department, the
1937 law enforcement agency receiving the report shall immediately
1938 inform all on-duty law enforcement officers of the ~~existence of~~
1939 ~~the~~ missing child report, communicate the report to every other
1940 law enforcement agency having jurisdiction in the county, and
1941 transmit the report for inclusion within the Florida Crime
1942 Information Center computer. A law enforcement agency may not
1943 require a reporter to present an order that a child be taken into
1944 custody or any other such order before accepting a report that a
1945 child is missing.

1946 Section 27. Paragraph (c) of subsection (4) of section
1947 985.04, Florida Statutes, is amended to read:

1948 985.04 Oaths; records; confidential information.--

1949 (4)

1950 (c) The department shall disclose to the school
1951 superintendent the presence of any child in the care and custody
1952 or under the jurisdiction or supervision of the department who
1953 has a known history of criminal sexual behavior with other
1954 juveniles; is an alleged juvenile sexual offender or a child who
1955 has exhibited inappropriate sexual behavior, as defined in s.
1956 39.01; or has pled guilty or nolo contendere to, or has been

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1957 found to have committed, a violation of chapter 794, chapter 796,
 1958 chapter 800, s. 827.071, or s. 847.0133, regardless of
 1959 adjudication. An ~~Any~~ employee of a district school board who
 1960 knowingly and willfully discloses such information to an
 1961 unauthorized person commits a misdemeanor of the second degree,
 1962 punishable as provided in s. 775.082 or s. 775.083.

1963 Section 28. Effective upon this act becoming a law and
 1964 operating retroactively to June 29, 2008, subsection (3) of
 1965 section 1 of chapter 2007-174, Laws of Florida, is amended to
 1966 read:

1967 (3) This section expires June 30, 2009 ~~2008~~.

1968 Section 29. Paragraph (b) of subsection (3) of section
 1969 39.0015, Florida Statutes, is amended to read:

1970 39.0015 Child abuse prevention training in the district
 1971 school system.--

1972 (3) DEFINITIONS.--As used in this section:

1973 (b) "Child abuse" means abandonment, abuse, harm, mental
 1974 injury, neglect, physical injury, or sexual abuse of a child as
 1975 those terms are defined in s. 39.01 ~~those acts as defined in ss.~~
 1976 ~~39.01(1), (2), (31), (41), (43), (55), and (66), 827.04, and~~
 1977 984.03 ~~984.03(1), (2), and (37)~~.

1978 Section 30. Subsection (5) of section 39.205, Florida
 1979 Statutes, is amended to read:

1980 39.205 Penalties relating to reporting of child abuse,
 1981 abandonment, or neglect.--

1982 (5) If the department or its authorized agent has
 1983 determined after its investigation that a report is false, the
 1984 department shall, with the consent of the alleged perpetrator,
 1985 refer the report to the local law enforcement agency having

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1986 jurisdiction for an investigation to determine whether sufficient
1987 evidence exists to refer the case for prosecution for filing a
1988 false report as defined in s. 39.01 ~~s. 39.01(28)~~. During the
1989 pendency of the investigation ~~by the local law enforcement~~
1990 ~~agency~~, the department must notify the local law enforcement
1991 agency of, and the local law enforcement agency must respond to,
1992 all subsequent reports concerning children in that same family in
1993 accordance with s. 39.301. If the law enforcement agency believes
1994 that there are indicators of abuse, abandonment, or neglect, it
1995 must immediately notify the department, which must ensure ~~assure~~
1996 the safety of the children. If the law enforcement agency finds
1997 sufficient evidence for prosecution for filing a false report, it
1998 must refer the case to the appropriate state attorney for
1999 prosecution.

2000 Section 31. Subsection (1) of section 39.302, Florida
2001 Statutes, is amended to read:

2002 39.302 Protective investigations of institutional child
2003 abuse, abandonment, or neglect.--

2004 (1) The department shall conduct a child protective
2005 investigation of each report of institutional child abuse,
2006 abandonment, or neglect. Upon receipt of a report that alleges
2007 that an employee or agent of the department, or any other entity
2008 or person covered by s. 39.01(33) or (47) ~~s. 39.01(32) or (46)~~,
2009 acting in an official capacity, has committed an act of child
2010 abuse, abandonment, or neglect, the department shall initiate a
2011 child protective investigation within the timeframe established
2012 ~~by the central abuse hotline~~ under s. 39.201(5) and orally notify
2013 the appropriate state attorney, law enforcement agency, and
2014 licensing agency, which. ~~These agencies~~ shall immediately conduct

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2015 a joint investigation, unless independent investigations are more
2016 feasible. When conducting investigations onsite or having face-
2017 to-face interviews with the child, ~~such~~ investigation visits
2018 shall be unannounced unless it is determined by the department or
2019 its agent that ~~the~~ unannounced visits ~~would~~ threaten the safety
2020 of the child. If ~~When~~ a facility is exempt from licensing, the
2021 department shall inform the owner or operator of the facility of
2022 the report. Each agency conducting a joint investigation is
2023 entitled to full access to the information gathered by the
2024 department in the course of the investigation. A protective
2025 investigation must include an onsite visit of the child's place
2026 of residence. ~~In all cases,~~ The department shall make a full
2027 written report to the state attorney within 3 working days after
2028 making the oral report. A criminal investigation shall be
2029 coordinated, whenever possible, with the child protective
2030 investigation of the department. Any interested person who has
2031 information regarding the offenses described in this subsection
2032 may forward a statement to the state attorney as to whether
2033 prosecution is warranted and appropriate. Within 15 days after
2034 the completion of the investigation, the state attorney shall
2035 report the findings to the department and shall include in the
2036 report a determination of whether or not prosecution is justified
2037 and appropriate in view of the circumstances of the specific
2038 case.

2039 Section 32. Paragraphs (b) and (c) of subsection (2) of
2040 section 39.6011, Florida Statutes, are amended to read:

2041 39.6011 Case plan development.--

2042 (2) The case plan must be written simply and clearly in
2043 English and, if English is not the principal language of the

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2044 child's parent, to the extent possible in the parent's principal
2045 language. Each case plan must contain:

2046 (b) The permanency goal ~~as defined in s. 39.01(51)~~.

2047 (c) If concurrent planning is being used, a description of
2048 the permanency goal of reunification with the parent or legal
2049 custodian in addition to a description of one of the remaining
2050 permanency goals described in s. 39.01 ~~s. 39.01(51)~~.

2051 Section 33. Paragraph (e) of subsection (6) of section
2052 39.811, Florida Statutes, is amended to read:

2053 39.811 Powers of disposition; order of disposition.--

2054 (6) The parental rights of one parent may be severed
2055 without severing the parental rights of the other parent only
2056 under the following circumstances:

2057 (e) If the parent whose rights are being terminated meets
2058 any of the criteria specified in s. 39.806(1)(d) and (f)-(1) ~~(f)-~~
2059 ~~(i)~~.

2060 Section 34. Paragraph (a) of subsection (1) of section
2061 39.828, Florida Statutes, is amended to read:

2062 39.828 Grounds for appointment of a guardian advocate.--

2063 (1) The court shall appoint the person named in the
2064 petition as a guardian advocate with all the powers and duties
2065 specified in s. 39.829 for an initial term of 1 year upon a
2066 finding that:

2067 (a) The child named in the petition is or was a drug
2068 dependent newborn as described in s. 39.01(32)(g) ~~s.~~
2069 ~~39.01(31)(g)~~;

2070 Section 35. Paragraph (d) of subsection (1) of section
2071 419.001, Florida Statutes, is amended to read:

2072 419.001 Site selection of community residential homes.--

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2073 (1) For the purposes of this section, the following
2074 definitions shall apply:

2075 (d) "Resident" means any of the following: a frail elder as
2076 defined in s. 429.65; a physically disabled or handicapped person
2077 as defined in s. 760.22(7)(a); a developmentally disabled person
2078 as defined in s. 393.063; a nondangerous mentally ill person as
2079 defined in s. 394.455(18); or a child who is found to be
2080 dependent as defined in s. 39.01 or s.984.03, or a child in need
2081 of services as defined in s. 984.03 ~~s. 39.01(14), s. 984.03(9) or~~
2082 ~~(12),~~ or s. 985.03.

2083 Section 36. Except as otherwise expressly provided in this
2084 act and except for this section, which shall take effect upon
2085 becoming a law, this act shall take effect July 1, 2008.