

By the Committees on Health and Human Services Appropriations;
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" and "harm";
4 defining the term "child who has exhibited inappropriate
5 sexual behavior"; amending s. 39.0121, F.S.; authorizing
6 the Department of Children and Family Services to adopt
7 rules providing for locating and recovering missing
8 children who are involved with the department; providing
9 requirements for reports; amending s. 39.0138, F.S.;
10 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.; revising
19 provisions relating to reporting child abuse, abandonment,
20 or neglect to the central abuse hotline to allow for
21 reports by fax or e-mail; amending s. 39.301, F.S.;
22 conforming provisions to changes made by the act;
23 providing certain exceptions to the requirements that a
24 child protective investigation be closed within 60 days;
25 amending s. 39.307, F.S.; revising provision relating to
26 the provision of services to a child in cases of child-on-
27 child sexual abuse to include a child who has exhibited
28 inappropriate sexual behavior; amending s. 39.401, F.S.;
29 requiring a law enforcement officer who takes a child into

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30 custody to release such child to an adoptive parent of the
31 child's sibling, if the sibling was previously adopted and
32 if it is in the best interest of the child; requiring
33 judicial approval for the placement of a child with a
34 nonrelative; amending s. 39.502, F.S.; providing for
35 notice to foster or preadoptive parents of any hearings
36 involving the child in their care; amending s. 39.503,
37 F.S.; revising the minimum inquiries a petitioner for
38 dependency or shelter must make in trying to locate an
39 identified parent or prospective parent; amending s.
40 39.504, F.S.; revising procedures related to injunctions
41 issued to protect a child; requiring that such injunctions
42 remain in effect until modified or dissolved by the court;
43 amending s. 39.507, F.S.; limiting a court to one order
44 adjudicating dependency; providing for supplemental
45 findings; amending s. 39.521, F.S.; providing an exception
46 from the requirement for a predisposition study in
47 dependency proceedings; conforming cross-references;
48 amending s. 39.621, F.S.; requiring that an adoptive
49 parent of a child's sibling be given the opportunity to
50 apply to adopt such child if the child is available for
51 adoption; requiring that such application be given the
52 same consideration as a relative's application for
53 adoption; amending s. 39.701, F.S.; requiring that notice
54 of a judicial review of a child's status be served on
55 certain persons regardless of whether they attended a
56 prior hearing at which the hearing was announced; amending
57 s. 39.8055, F.S.; revising provisions relating to filing a
58 petition to terminate parental rights; expanding the

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59 grounds for terminating parental rights to include
60 conviction for the murder, manslaughter, or conspiracy to
61 murder another child of the parent; amending s. 39.806,
62 F.S.; adding additional grounds for terminating parental
63 rights; amending s. 39.810, F.S.; providing that if
64 termination of parental rights is in the best interests of
65 the child, it is also the least restrictive means of
66 protecting the child; amending s. 322.142, F.S.;
67 authorizing the Department of Children and Family Services
68 to be provided copies of driver's license files maintained
69 by the Department of Highway Safety and Motor Vehicles for
70 the purpose of conducting protective investigations;
71 amending s. 402.401, F.S., relating to the Florida Child
72 Welfare Student Loan Forgiveness Program; transferring
73 administration of the program to the Department of
74 Children and Family Services; amending s. 409.1671, F.S.;
75 providing that a community-based provider or a
76 subcontractor of a community-based provider may provide
77 nonowned automobile liability coverage in lieu of
78 providing personal motor vehicle insurance; providing
79 terms, conditions, and applicability for nonowned
80 automobile insurance coverage; requiring a community-based
81 provider or a subcontractor of a community-based provider
82 to provide a minimum limit for nonowned automobile
83 insurance coverage; amending s. 409.175, F.S.; revising
84 requirements for licensure as a foster home or child-
85 caring agency; deleting the exemption from licensure for
86 persons who receive a child from the department;
87 clarifying that a permanent guardian is exempt from

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88 licensure; amending s. 787.04, F.S.; prohibiting a person
89 from knowingly and willfully taking or removing a minor
90 from the state or concealing the location of a minor
91 during the pendency of a dependency proceeding or any
92 other action concerning alleged abuse or neglect of the
93 minor; amending s. 937.021, F.S.; requiring that a report
94 of a missing child made by the department, a community-
95 based care provider, or a sheriff's office be treated as a
96 missing child report filed by a parent or guardian;
97 prohibiting a law enforcement agency from requiring an
98 order that a child be taken into custody or any other such
99 order before accepting a missing child report for
100 investigation; amending s. 985.04, F.S.; providing for the
101 disclosure of certain records relating to children having
102 a history of inappropriate sexual behavior to schools
103 superintendents; amending chapter 2007-174, Laws of
104 Florida; extending the date for the repeal of provisions
105 authorizing the reorganization of the Department of
106 Children and Family Services; providing for retroactive
107 application; amending ss. 39.0015, 39.205, 39.302,
108 39.6011, 39.811, 39.828, and 419.001, F.S.; conforming
109 cross-references; providing effective dates.

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

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

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116 subsections (15) through (75), respectively, and a new subsection
117 (14) is added to that section, 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. Marginal efforts and incidental or token visits
132 or communications are not sufficient to establish or maintain a
133 substantial and positive relationship with a child. and makes no
134 ~~effort to communicate with the child, which situation is~~
135 ~~sufficient to evince a willful rejection of parental~~
136 ~~obligations. If the efforts of the parent or legal custodian, or~~
137 ~~caregiver primarily responsible for the child's welfare, to~~
138 ~~support and communicate with the child are, in the opinion of the~~
139 ~~court, only marginal efforts that do not evince a settled purpose~~
140 ~~to assume all parental duties, the court may declare the child to~~
141 ~~be abandoned. The term "abandoned" does not include an abandoned~~
142 ~~newborn infant as described in s. 383.50, a "child in need of~~
143 ~~services" as defined in chapter 984, or a "family in need of~~
144 ~~services" as defined in chapter 984. The incarceration of a~~

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145 parent, legal custodian, or caregiver responsible for a child's
146 welfare may 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 (e) Abandons the child. Within the context of the
155 definition of "harm," the term "abandoned the child" or
156 "abandonment of the child" means a situation in which the parent
157 or legal custodian of a child or, in the absence of a parent or
158 legal custodian, the caregiver, while being able, makes no
159 provision for the child's support and has failed to establish or
160 maintain a substantial and positive relationship with the child.
161 For purposes of this paragraph, "establish or maintain a
162 substantial and positive relationship" includes, but is not
163 limited to, frequent and regular contact with the child through
164 frequent and regular visitation or frequent and regular
165 communication to or with the child, and the exercise of parental
166 rights and responsibilities. Marginal efforts and incidental or
167 token visits or communications are not sufficient to establish or
168 maintain a substantial and positive relationship with a child.
169 ~~"abandons the child" means that the parent or legal custodian of~~
170 ~~a child or, in the absence of a parent or legal custodian, the~~
171 ~~person responsible for the child's welfare, while being able,~~
172 ~~makes no provision for the child's support and makes no effort to~~
173 ~~communicate with the child, which situation is sufficient to~~

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174 ~~evince a willful rejection of parental obligation. If the efforts~~
175 ~~of the parent or legal custodian or person primarily responsible~~
176 ~~for the child's welfare to support and communicate with the child~~
177 ~~are only marginal efforts that do not evince a settled purpose to~~
178 ~~assume all parental duties, the child may be determined to have~~
179 ~~been abandoned. The term "abandoned" does not include an~~
180 ~~abandoned newborn infant as described in s. 383.50.~~

181 (g) Exposes a child to a controlled substance or alcohol.

182 Exposure to a controlled substance or alcohol is established by:

183 1. A test, administered at birth, which indicated that the
184 child's blood, urine, or meconium contained any amount of alcohol
185 or a controlled substance or metabolites of such substances, the
186 presence of which was not the result of medical treatment
187 administered to the mother or the newborn infant ~~Use by the~~
188 ~~mother of a controlled substance or alcohol during pregnancy when~~
189 ~~the child, at birth, is demonstrably adversely affected by such~~
190 ~~usage; or~~

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

194
195 As used in this paragraph, the term "controlled substance" means
196 prescription drugs not prescribed for the parent or not
197 administered as prescribed and controlled substances as outlined
198 in Schedule I or Schedule II of s. 893.03.

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

201 39.0121 Specific rulemaking authority.--Pursuant to the
202 requirements of s. 120.536, the department is specifically

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203 authorized to adopt, amend, and repeal administrative rules which
204 implement or interpret law or policy, or describe the procedure
205 and practice requirements necessary to implement this chapter,
206 including, but not limited to, the following:

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

211 (a) Provide comprehensive, explicit, and consistent
212 guidelines to be followed by the department's employees and
213 contracted providers when the whereabouts of a child involved
214 with the department is unknown.

215 (b) Include criteria to determine when a child is missing
216 for purposes of making a report to a law enforcement agency, and
217 require that in all cases in which a law enforcement agency has
218 accepted a case for criminal investigation pursuant to s.
219 39.301(2)(c) and the child's whereabouts are unknown, the child
220 shall be considered missing and a report made.

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

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

227 39.0138 Criminal history records check; limit on placement
228 of a child.--

229 (1) The department shall conduct a criminal history records
230 check on ~~for~~ all persons being considered by the department ~~for~~
231 ~~approval~~ for placement of a child subject to a placement decision

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232 | under this chapter, including all nonrelative placement
233 | decisions, all members of the household of the person being
234 | considered, and frequent visitors to the household. For purposes
235 | of this section, a criminal history records check may include,
236 | but is not limited to, submission of fingerprints to the
237 | Department of Law Enforcement for processing and forwarding to
238 | the Federal Bureau of Investigation for state and national
239 | criminal history information, and local criminal records checks
240 | through local law enforcement agencies. A criminal history
241 | records check must also include a search of the department's
242 | automated abuse information system. The department shall
243 | establish by rule standards for evaluating any information
244 | contained in the automated system relating to a person who must
245 | be screened for purposes of making a placement decision.

246 | Section 4. Section 39.0141, Florida Statutes, is created to
247 | read:

248 | 39.0141 Missing children; report required.--Whenever the
249 | whereabouts of a child involved with the department becomes
250 | unknown, the department, the community-based care provider, or
251 | the sheriff's office providing investigative services for the
252 | department shall make reasonable efforts, as defined by rule, to
253 | locate the child. If, pursuant to criteria established by rule,
254 | the child is determined to be missing, the department, the
255 | community-based care provider, or the sheriff's office shall file
256 | a report that the child is missing in accordance with s. 937.021.

257 | Section 5. Subsections (2), (4), and (7) of section 39.201,
258 | Florida Statutes, are amended to read:

259 | 39.201 Mandatory reports of child abuse, abandonment, or
260 | neglect; mandatory reports of death; central abuse hotline.--

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261 (2) (a) Each report of known or suspected child abuse,
262 abandonment, or neglect by a parent, legal custodian, caregiver,
263 or other person responsible for the child's welfare as defined in
264 this chapter, except those solely under s. 827.04(3), and each
265 report that a child is in need of supervision and care and has no
266 parent, legal custodian, or responsible adult relative
267 immediately known and available to provide supervision and care
268 shall be made immediately to the department's central abuse
269 hotline. Such reports may be made on the single statewide toll-
270 free telephone number or by fax or e-mail. Personnel at the
271 ~~department's central abuse~~ hotline shall determine if the report
272 received meets the statutory definition of child abuse,
273 abandonment, or neglect. Any report meeting one of these
274 definitions shall be accepted for the protective investigation
275 pursuant to part III of this chapter.

276 (b) If the report is of an instance of known or suspected
277 child abuse by someone other than a parent, legal custodian,
278 caregiver, or other person responsible for the child's welfare as
279 defined in this chapter, the call or report shall be immediately
280 electronically transferred to the appropriate county sheriff's
281 office by the central abuse hotline.

282 (c) If the report is of an instance of known or suspected
283 child abuse, abandonment, or neglect that occurred out of state
284 and the alleged perpetrator and the child alleged to be a victim
285 live out of state, the central abuse hotline may ~~shall~~ not accept
286 the call or report for investigation, but shall transfer the
287 information ~~on the report~~ to the appropriate state.

288 (d) If the report is of an instance of known or suspected
289 child abuse involving impregnation of a child under 16 years of

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290 age by a person 21 years of age or older solely under s.
291 827.04(3), the report shall be made immediately to the
292 appropriate county sheriff's office or other appropriate law
293 enforcement agency. If the report is of an instance of known or
294 suspected child abuse solely under s. 827.04(3), the reporting
295 provisions of this subsection do not apply to health care
296 professionals or other persons who provide medical or counseling
297 services to pregnant children when such reporting would interfere
298 with the provision of medical services.

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

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

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

307 2. ~~If When~~ the alleged ~~juvenile sexual~~ offender is 12 years
308 of age or younger, the central abuse hotline shall immediately
309 electronically transfer the call or report to the appropriate law
310 enforcement agency office. The department shall conduct an
311 assessment and assist the family in receiving appropriate
312 services pursuant to s. 39.307, and send a written report of the
313 allegation to the appropriate county sheriff's office within 48
314 hours after the initial report is made to the central abuse
315 hotline.

316 3. ~~If When~~ the alleged ~~juvenile sexual~~ offender is 13 years
317 of age or older, the central abuse hotline ~~department~~ shall
318 immediately electronically transfer the call or report to the

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319 appropriate county sheriff's office by the central abuse hotline,
320 and send a written report to the appropriate county sheriff's
321 office within 48 hours after the initial report to the central
322 abuse hotline.

323 (g) Reports involving abandoned newborn infants as
324 described in s. 383.50 shall be made and received by the
325 department.

326 1. If the report is of an abandoned newborn infant as
327 described in s. 383.50 and there is no indication of abuse,
328 neglect, or abandonment other than that ~~necessarily~~ entailed in
329 the infant having been left at a hospital, emergency medical
330 services station, or fire station, the department shall provide
331 to the caller the name of a licensed child-placing agency on a
332 rotating basis from a list of licensed child-placing agencies
333 eligible and required to accept physical custody of and to place
334 newborn infants left at a hospital, emergency medical services
335 station, or fire station. The report may ~~shall~~ not be considered
336 a report of abuse, neglect, or abandonment solely because the
337 infant has been left at a hospital, emergency medical services
338 station, or fire station pursuant to s. 383.50.

339 2. If the call, fax, or e-mail includes ~~caller reports~~
340 indications of abuse or neglect beyond that necessarily entailed
341 in the infant having been left at a hospital, emergency medical
342 services station, or fire station, the report shall be considered
343 ~~as~~ a report of abuse, neglect, or abandonment and is ~~shall be~~
344 subject to the requirements of s. 39.395 and all other relevant
345 provisions of this chapter, notwithstanding any provisions of
346 chapter 383.

347 (h) Hotline counselors shall receive periodic training in

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348 encouraging reporters to provide their names when reporting
349 abuse, abandonment, or neglect. Callers shall be advised of the
350 confidentiality provisions of s. 39.202. The department shall
351 secure and install electronic equipment that automatically
352 provides to the hotline the number from which the call or fax is
353 placed, or the Internet protocol (IP) address from which the e-
354 mail report is received. This number or address shall be entered
355 into the report of abuse, abandonment, or neglect and become a
356 part of the record of the report, but shall enjoy the same
357 confidentiality as provided to the identity of the reporter
358 ~~caller~~ pursuant to s. 39.202.

359 (i) The department shall voice-record all incoming or
360 outgoing calls that are received or placed by the central abuse
361 hotline and shall maintain an electronic copy of each fax or e-
362 mail that relates ~~which relate~~ to suspected or known child abuse,
363 neglect, or abandonment. The recording or electronic copy of each
364 fax and e-mail shall become a part of the record of the report
365 but, notwithstanding s. 39.202, shall be released in full only to
366 law enforcement agencies and state attorneys for the purpose of
367 investigating and prosecuting criminal charges pursuant to s.
368 39.205, or to employees of the department for the purpose of
369 investigating and seeking administrative penalties pursuant to s.
370 39.206. ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the use
371 of the recordings or electronic copies of faxes or e-mails by
372 hotline staff for quality assurance and training.

373 (4) The department shall establish and maintain a central
374 abuse hotline to receive all reports made pursuant to this
375 section in writing, by fax or e-mail, or through a single
376 statewide toll-free telephone number, which any person may use to

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377 report known or suspected child abuse, abandonment, or neglect at
378 any hour of the day or night, any day of the week. The central
379 abuse hotline shall be operated in such a manner as to enable the
380 department to:

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

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

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

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

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

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

403 (7) On an ongoing basis, the department's quality assurance
404 program shall review calls and reports to the hotline involving
405 three or more unaccepted reports on a single child, where

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406 jurisdiction applies, in order to detect such things as
407 harassment and situations that warrant an investigation because
408 of the frequency or variety of the source of the reports. The
409 Program Director for Family Safety may refer a case for
410 investigation when it is determined, as a result of this review,
411 that an investigation may be warranted.

412 Section 6. Subsections (1) and (16) of section 39.301,
413 Florida Statutes, are amended to read:

414 39.301 Initiation of protective investigations.--

415 (1) Upon receiving a ~~an oral or written~~ report of known or
416 suspected child abuse, abandonment, or neglect, or that a child
417 is in need of supervision and care and has no parent, legal
418 custodian, or responsible adult relative immediately known and
419 available to provide supervision and care, the central abuse
420 hotline shall determine if the report requires an immediate
421 onsite protective investigation. For reports requiring an
422 immediate onsite protective investigation, the central abuse
423 hotline shall immediately notify the department's designated
424 ~~children and families~~ district staff responsible for protective
425 investigations to ensure that an onsite investigation is promptly
426 initiated. For reports not requiring an immediate onsite
427 protective investigation, the central abuse hotline shall notify
428 the department's designated ~~children and families~~ district staff
429 responsible for protective investigations in sufficient time to
430 allow for an investigation. At the time of notification ~~of~~
431 ~~district staff with respect to the report~~, the central abuse
432 hotline shall also provide information to district staff on any
433 previous report concerning a subject of the present report or any
434 pertinent information relative to the present report or any noted

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435 | earlier reports.

436 | (16) The department shall complete its protective
437 | investigation within ~~No later than~~ 60 days after receiving the
438 | initial report, unless: ~~the local office of the department shall~~
439 | ~~complete its investigation.~~

440 | (a) There is also an active, concurrent criminal
441 | investigation that is continuing beyond the 60-day period and the
442 | closure of the protective investigation may compromise successful
443 | criminal prosecution of the child abuse or neglect case, in which
444 | case the closure date shall coincide with the closure date of the
445 | criminal investigation and any resulting legal action.

446 | (b) In child death cases, the final report of the medical
447 | examiner is necessary for the department to close its
448 | investigation, and the report has not been received within the
449 | 60-day period, in which case the report closure date shall be
450 | extended to accommodate to the report.

451 | (c) A child who is necessary to an investigation has been
452 | declared missing by the department, a law enforcement agency, or
453 | a court, in which case the 60-day period shall be extended until
454 | the child has been located or until sufficient information exists
455 | to close the investigation despite the unknown location of the
456 | child.

457 | Section 7. Subsections (2), (3), (4), and (5) of section
458 | 39.307, Florida Statutes, are amended to read:

459 | 39.307 Reports of child-on-child sexual abuse.--

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

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

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

468 2. The name and office telephone number of the person
469 responding shall be provided to the caregiver of the alleged
470 juvenile sexual offender or child who has exhibited inappropriate
471 sexual behavior and the victim's caregiver.

472 3. The possible consequences of the department's response,
473 including outcomes and services, shall be explained to the
474 caregiver of the alleged juvenile sexual offender or child who
475 has exhibited inappropriate sexual behavior and the victim's
476 ~~family or~~ caregiver.

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

482 (c) The assessment of risk and the perceived treatment
483 needs of the alleged juvenile sexual offender or child who has
484 exhibited inappropriate sexual behavior, the victim, and
485 respective caregivers shall be conducted by the district staff,
486 the child protection team of the Department of Health, and other
487 providers under contract with the department to provide services
488 to the caregiver of the alleged offender, the victim, and the
489 victim's caregiver.

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

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

496 (f) Based on the information obtained from the alleged
497 juvenile sexual offender or child who has exhibited inappropriate
498 sexual behavior, his or her ~~the alleged juvenile sexual~~
499 ~~offender's~~ caregiver, the victim, and the victim's caregiver, an
500 assessment service and treatment needs report must be completed
501 within 7 days and, if needed, a case plan developed within 30
502 days.

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

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

508 2. Services accepted by alleged offender. Services were
509 offered to the alleged juvenile sexual offender or child who has
510 exhibited inappropriate sexual behavior and accepted by the
511 caregiver.

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

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

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

520 5. Services accepted by victim. Services were offered to
521 the victim ~~of the alleged juvenile sexual offender~~ and accepted
522 by the caregiver.

523 6. Report closed. Services were offered to the victim ~~of~~
524 ~~the alleged juvenile sexual offender,~~ but were rejected by the
525 caregiver.

526 (3) ~~If when~~ services have been accepted by the alleged
527 juvenile sexual offender or child who has exhibited inappropriate
528 sexual behavior, the victim, and respective caregivers ~~or family,~~
529 the department shall designate a case manager and develop a
530 specific case plan.

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

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

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

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

539 (4) Services provided to the alleged juvenile sexual
540 offender or child who has exhibited inappropriate sexual
541 behavior, the victim, and respective caregivers or family must be
542 voluntary and of necessary duration.

543 ~~(5)-(4)~~ If ~~In the event~~ the family or caregiver of the
544 alleged juvenile sexual offender or child who has exhibited
545 inappropriate sexual behavior fails to adequately participate or
546 allow for the adequate participation of the child ~~juvenile sexual~~

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

549 (a) Close the case;

550 (b) Refer the case to mediation or arbitration, if
551 available; or

552 (c) Notify the appropriate law enforcement agency of
553 failure to comply.

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

557 Section 8. Subsections (2) and (3) of section 39.401,
558 Florida Statutes, are amended, and subsection (5) is added to
559 that section, to read:

560 39.401 Taking a child alleged to be dependent into custody;
561 law enforcement officers and authorized agents of the
562 department.--

563 (2) If the law enforcement officer takes the child into
564 custody, that officer shall:

565 (a) Release the child to:

566 1. The parent or legal custodian of the child;

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

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

572 4. The adoptive parent of the child's sibling, if such
573 sibling was previously adopted, who shall be given priority
574 consideration over a nonrelative placement if it is in the best
575 interest of the child to do so; or

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576 ~~5.4.~~ A responsible adult approved by the department; or
577 (b) Deliver the child to an authorized agent of the
578 department, stating the facts by reason of which the child was
579 taken into custody and sufficient information to establish
580 probable cause that the child is abandoned, abused, or neglected,
581 or otherwise dependent.

582
583 For cases involving allegations of abandonment, abuse, or
584 neglect, or other dependency cases, within 3 days after such
585 release or within 3 days after delivering the child to an
586 authorized agent of the department, the law enforcement officer
587 who took the child into custody shall make a full written report
588 to the department.

589 (3) If the child is taken into custody by, or is delivered
590 to, an authorized agent of the department, the ~~authorized~~ agent
591 shall review the facts supporting the removal with an attorney
592 representing the department. The purpose of the ~~this~~ review is
593 ~~shall be~~ to determine whether there is probable cause ~~exists~~ for
594 the filing of a shelter petition.

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

598 (b) If the facts are sufficient ~~to support the filing of~~
599 ~~the shelter petition~~ and the child has not been returned to the
600 custody of the parent or legal custodian, the department shall
601 file the petition and schedule a hearing, and the attorney
602 representing the department shall request that a shelter hearing
603 be held within ~~as quickly as possible, not to exceed~~ 24 hours
604 after the removal of the child. While awaiting the shelter

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605 hearing, the authorized agent of the department may place the
606 child in licensed shelter care or may release the child to a
607 parent or legal custodian or responsible adult relative who shall
608 be given priority consideration over a licensed placement, or a
609 responsible adult approved by the department if ~~when~~ this is in
610 the best interests of the child. ~~Any~~ Placement of a child which
611 is not in a licensed shelter must be preceded by a criminal
612 history records check as required under s. 39.0138 ~~local and~~
613 ~~state criminal records check, as well as a search of the~~
614 ~~department's automated abuse information system, on all members~~
615 ~~of the household, to assess the child's safety within the home.~~
616 In addition, the department may authorize placement of a
617 housekeeper/homemaker in the home of a child alleged to be
618 dependent until the parent or legal custodian assumes care of the
619 child.

620 (5) Judicial review and approval is required within 24
621 hours after placement for all nonrelative placements. A
622 nonrelative placement must be for a specific and predetermined
623 period of time, not to exceed 12 months, and shall be reviewed by
624 the court at least every 6 months. If the nonrelative placement
625 continues for longer than 12 months, the department shall request
626 the court to establish permanent guardianship or require that the
627 nonrelative seek licensure as a foster care provider within 30
628 days after the court decision.

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

631 39.502 Notice, process, and service.--

632 (17) The parent or legal custodian of the child, the
633 attorney for the department, the guardian ad litem, the foster or

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634 preadoptive parents, and all other parties and participants shall
635 be given reasonable notice of all proceedings and hearings
636 provided for under this part. All foster or preadoptive parents
637 must be provided with at least 72 hours' notice, verbally or in
638 writing, of all proceedings or hearings relating to children in
639 their care or children they are seeking to adopt to ensure the
640 ability to provide input to the court.

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

643 39.503 Identity or location of parent unknown; special
644 procedures.--

645 (6) The diligent search required by subsection (5) must
646 include, at a minimum, inquiries of all relatives of the parent
647 or prospective parent made known to the petitioner, inquiries of
648 all offices of program areas of the department likely to have
649 information about the parent or prospective parent, inquiries of
650 other state and federal agencies likely to have information about
651 the parent or prospective parent, inquiries of appropriate
652 utility and postal providers, a thorough search of at least one
653 electronic database specifically designed for locating persons,
654 and inquiries of appropriate law enforcement agencies. Pursuant
655 to s. 453 of the Social Security Act, 42 U.S.C. s. 653(c)(4), the
656 department, as the state agency administering Titles IV-B and IV-
657 E of the act, shall be provided access to the federal and state
658 parent locator service for diligent search activities.

659 Section 11. Section 39.504, Florida Statutes, is amended to
660 read:

661 39.504 Injunction pending disposition of petition;
662 penalty.--

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663 (1)(a) At any time after a protective investigation has
664 been initiated pursuant to part III of this chapter ~~When a~~
665 ~~petition for shelter placement or a petition for dependency has~~
666 ~~been filed or when a child has been taken into custody and~~
667 ~~reasonable cause, as defined in paragraph (b), exists, the court,~~
668 upon the request of the department, a law enforcement officer,
669 the state attorney, or other responsible person, or upon its own
670 motion, may, if there is reasonable cause, ~~shall have the~~
671 ~~authority to~~ issue an injunction to prevent any act of child
672 abuse ~~or any unlawful sexual offense involving a child.~~

673 ~~(b)~~ Reasonable cause for the issuance of an injunction
674 exists if there is evidence of child abuse ~~or an unlawful sexual~~
675 ~~offense involving a child~~ or if there is a reasonable likelihood
676 of such abuse ~~or offense~~ occurring based upon a recent overt act
677 or failure to act.

678 (2) Notice shall be provided to the parties as set forth in
679 the Florida Rules of Juvenile Procedure, unless the child is
680 reported to be in imminent danger, in which case the court may
681 issue an injunction immediately. A judge may issue an emergency
682 injunction pursuant to this section without notice if at times
683 ~~when~~ the court is closed for the transaction of judicial
684 business. If ~~When such~~ an immediate injunction is issued, the
685 court must ~~shall~~ hold a hearing on the next day of judicial
686 business ~~either~~ to dissolve the injunction or to continue or
687 modify it in accordance with ~~the other provisions of this~~
688 section.

689 (3)(a) If ~~In every instance in which~~ an injunction is
690 issued under this section, the primary purpose of the injunction
691 must be ~~shall be primarily~~ to protect and promote the best

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692 interests of the child, taking the preservation of the child's
693 immediate family into consideration. ~~The effective period of the~~
694 ~~injunction shall be determined by the court, except that the~~
695 ~~injunction will expire at the time of the disposition of the~~
696 ~~petition for shelter placement or dependency.~~

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

702 1. Refrain from further abuse or acts of domestic violence
703 ~~unlawful sexual activity involving a child.~~

704 2. Participate in a specialized treatment program.

705 3. Limit contact or communication with the child victim,
706 other children in the home, or any other child.

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

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

710 6. Pay temporary support for the child or other family
711 members; the costs of medical, psychiatric, and psychological
712 treatment for the child ~~victim~~ incurred as a result of the
713 offenses; and similar costs for other family members.

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

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

717 1. Awarding the exclusive use and possession of the
718 dwelling to the caregiver or excluding the alleged or actual
719 offender from the residence of the caregiver.

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720 2. Awarding temporary custody of the child to the
721 caregiver.

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

726
727 This paragraph does not preclude the adult victim of domestic
728 violence from seeking protection under s. 741.30.

729 (c) The terms of the injunction shall remain in effect
730 until modified or dissolved by the court. The petitioner,
731 respondent, or caregiver may move at any time to modify or
732 dissolve the injunction. The injunction is valid and enforceable
733 in all counties in the state.

734 (4) Service of process on the respondent shall be carried
735 out pursuant to s. 741.30. The department shall deliver a copy of
736 any injunction issued pursuant to this section ~~shall be delivered~~
737 ~~to the protected party,~~ or to a parent, or caregiver, ~~or~~
738 ~~individual acting in the place of a parent who is not the~~
739 ~~respondent, and to any law enforcement agency having jurisdiction~~
740 ~~to enforce such injunction. Law enforcement officers may exercise~~
741 their arrest powers as provided in s. 901.15(6) to enforce the
742 terms of the injunction. Upon delivery of the injunction to the
743 ~~appropriate law enforcement agency, the agency shall have the~~
744 ~~duty and responsibility to enforce the injunction.~~

745 (5) Any person who fails to comply with an injunction
746 issued pursuant to this section commits ~~is guilty of a~~
747 ~~misdemeanor of the first degree, punishable as provided in s.~~
748 ~~775.082 or s. 775.083.~~

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

751 39.507 Adjudicatory hearings; orders of adjudication.--

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

758 (b) Upon a properly noticed motion, a subsequent
759 evidentiary hearing may be held regarding the conduct of one
760 parent, both parents, or a custodian. With court approval,
761 supplemental findings made beyond a preponderance of the evidence
762 may be entered. The child's dependency status may not be retried
763 or readjudicated.

764 (c) If a court adjudicates a child dependent and the child
765 is in out-of-home care, the court shall inquire of the parent or
766 parents whether the parents have relatives who might be
767 considered as a placement for the child. The court shall advise
768 the parents that, if the parents fail to substantially comply
769 with the case plan, their parental rights may be terminated and
770 that the child's out-of-home placement may become permanent. The
771 parent or parents shall provide to the court and all parties
772 identification and location information of the relatives.

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

775 39.521 Disposition hearings; powers of disposition.--

776 (1) A disposition hearing shall be conducted by the court,
777 if the court finds that the facts alleged in the petition for

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778 dependency were proven in the adjudicatory hearing, or if the
779 parents or legal custodians have consented to the finding of
780 dependency or admitted the allegations in the petition, have
781 failed to appear for the arraignment hearing after proper notice,
782 or have not been located despite a diligent search having been
783 conducted.

784 (a) A written case plan and a predisposition study prepared
785 by an authorized agent of the department must be filed with the
786 court, ~~and~~ served upon the parents of the child, provided to the
787 representative of the guardian ad litem program, if the program
788 has been appointed, and provided to all other parties, not less
789 than 72 hours before the disposition hearing. All such case plans
790 must be approved by the court. If the court does not approve the
791 case plan at the disposition hearing, the court must set a
792 hearing within 30 days after the disposition hearing to review
793 and approve the case plan. The court may grant an exception to
794 the requirement for a predisposition study by separate order or
795 within the judge's order of disposition upon finding that all the
796 family and child information required by subsection (2) is
797 available in other documents filed with the court.

798 (f) If the court places the child in an out-of-home
799 placement, the disposition order must include a written
800 determination that the child cannot safely remain at home with
801 reunification or family preservation services and that removal of
802 the child is necessary to protect the child. If the child is ~~has~~
803 ~~been~~ removed before the disposition hearing, the order must also
804 include a written determination as to whether, after removal, the
805 department ~~has~~ made a reasonable effort to reunify the parent and
806 child, ~~if reasonable efforts are required~~. Reasonable efforts to

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807 reunify are not required if the court finds ~~has found~~ that any of
808 the acts listed in s. 39.806(1)(f)-(l) ~~s. 39.806(1)(f)-(i)~~ have
809 occurred. The department has the burden of demonstrating that it
810 ~~has made reasonable efforts under this paragraph.~~

811 1. For the purposes of this paragraph, the term "reasonable
812 effort" means the exercise of reasonable diligence and care by
813 the department to provide the services ordered by the court or
814 delineated in the case plan.

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

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

819 b. If prevention or reunification efforts were indicated,
820 include a brief written description of what appropriate and
821 available prevention and reunification efforts were made.

822 c. Indicate in writing why further efforts could or could
823 not have prevented or shortened the separation of the parent and
824 child.

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

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

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

834 c. The child cannot safely remain at home, ~~either~~ because
835 there are no preventive services that can ensure the health and

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836 safety of the child or, even with appropriate and available
837 services being provided, the health and safety of the child
838 cannot be ensured; or

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

842 4. A reasonable effort by the department for reunification
843 ~~of the parent and child~~ has been made if the appraisal of the
844 home situation by the department indicates that the severity of
845 the conditions of dependency is such that reunification efforts
846 are inappropriate. The department has the burden of demonstrating
847 to the court that reunification efforts were inappropriate.

848 5. If the court finds that the prevention or reunification
849 effort of the department would not have permitted the child to
850 remain safely at home, the court may commit the child to the
851 temporary legal custody of the department or take any other
852 action authorized by this chapter.

853 Section 14. Subsection (6) of section 39.621, Florida
854 Statutes, is amended to read:

855 39.621 Permanency determination by the court.--

856 (6) If a child will not be reunited with a parent,
857 adoption, under chapter 63, is the primary permanency option. If
858 the child is a sibling of a previously adopted child and the
859 child becomes available for adoption, the adoptive parent of the
860 previously placed sibling shall be offered the opportunity to
861 apply to adopt the child and the adoptive parent's application
862 shall be given the same consideration as a relative's application
863 for adoption. If the child is placed with a relative or with a
864 relative of the child's half-brother or half-sister as a

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865 permanency option, the court may recognize the permanency of this
866 placement without requiring the relative to adopt the child. If
867 the court approves a permanency goal of permanent guardianship of
868 a dependent child, placement with a fit and willing relative, or
869 another planned permanent living arrangement, the court shall
870 make findings as to why this permanent placement is established
871 without adoption of the child to follow. If the court approves a
872 permanency goal of another planned permanent living arrangement,
873 the court shall document the compelling reasons for choosing this
874 goal.

875 Section 15. Subsection (5) of section 39.701, Florida
876 Statutes, is amended to read:

877 39.701 Judicial review.--

878 (5) Notice of a judicial review hearing or a citizen review
879 panel hearing, and a copy of the motion for judicial review, if
880 any, must be served by the clerk of the court upon all of the
881 following persons regardless of whether the person was present at
882 the previous hearing at which the date, time, and location of the
883 hearing was announced:

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

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

889 (c) The parents.

890 (d) The guardian ad litem for the child, or the
891 representative of the guardian ad litem program if the program
892 has been appointed.

893 (e) The attorney for the child.

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

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

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

898

899 ~~Service of notice is not required on any of the persons listed in~~
900 ~~paragraphs (a) - (f) if the person was present at the previous~~
901 ~~hearing during which the date, time, and location of the hearing~~
902 ~~was announced.~~

903 Section 16. Subsection (1) of section 39.8055, Florida
904 Statutes, is amended to read:

905 39.8055 Requirement to file a petition to terminate
906 parental rights; exceptions.--

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

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

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

917 (c) A parent has been convicted of the murder ~~of the other~~
918 ~~parent~~, manslaughter ~~of the other parent~~, aiding or abetting the
919 murder, or conspiracy or solicitation to murder the other parent
920 or another child of the parent, or a felony battery that resulted
921 in serious bodily injury to the child or to another ~~any other~~
922 child of the parent; or

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

925 Section 17. Paragraphs (e) through (h) of subsection (1) of
926 section 39.806, Florida Statutes, are amended, paragraphs (j),
927 (k), and (l) are added to that subsection, and subsections (2),
928 (3), and (4) of that section are amended, to read:

929 39.806 Grounds for termination of parental rights.--

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

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

936 1. The child continues to be abused, neglected, or
937 abandoned by the parent or parents. ~~In this case,~~ The failure of
938 the parent or parents to substantially comply for a period of 9-
939 months ~~12 months~~ after an adjudication of the child as a
940 dependent child or the child's placement into shelter care,
941 whichever occurs ~~came~~ first, constitutes evidence of continuing
942 abuse, neglect, or abandonment unless the failure to
943 substantially comply with the case plan was due ~~either~~ to the
944 parent's lack of financial resources ~~of the parents~~ or to the
945 failure of the department to make reasonable efforts to reunify
946 the parent and child. The 9-month ~~12-month~~ period begins to run
947 only after the child's placement into shelter care or the entry
948 of a disposition order placing the custody of the child with the
949 department or a person other than the parent and the court's
950 approval ~~by the court~~ of a case plan having the ~~with~~ a goal of
951 reunification with the parent, whichever occurs ~~came~~ first; ~~or~~

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952 2. The parent or parents are unlikely or unable ~~The parent~~
953 ~~has materially breached the case plan by making it unlikely that~~
954 ~~he or she will be able~~ to substantially comply with the case plan
955 before the time for compliance expires; or. ~~Time is of the~~
956 ~~essence for permanency of children in the dependency system. In~~
957 ~~order to prove the parent has materially breached the case plan,~~
958 ~~the court must find by clear and convincing evidence that the~~
959 ~~parent is unlikely or unable to substantially comply with the~~
960 ~~case plan before time expires to comply with the case plan.~~

961 3. The parent or parents, although able, fail to maintain
962 frequent and regular contact with the child through frequent and
963 regular visitation or communication.

964 (f) ~~When~~ The parent or parents engaged in egregious conduct
965 or had the opportunity and capability to prevent and knowingly
966 failed to prevent egregious conduct that threatens the life,
967 safety, or physical, mental, or emotional health of the child or
968 the child's sibling.

969 1. As used in this subsection, the term "sibling" means
970 another child who resides with or is cared for by the parent or
971 parents regardless of whether the child is related legally or by
972 consanguinity.

973 2. As used in this subsection, the term "egregious conduct"
974 means abuse, abandonment, neglect, or any other conduct ~~of the~~
975 ~~parent or parents~~ that is deplorable, flagrant, or outrageous by
976 a normal standard of conduct. Egregious conduct may include an
977 act or omission that occurred only once but was of such
978 intensity, magnitude, or severity as to endanger the life of the
979 child.

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980 (g) ~~When~~ The parent or parents have subjected the child or
981 another child to aggravated child abuse as defined in s. 827.03,
982 sexual battery or sexual abuse as defined in s. 39.01, or chronic
983 abuse.

984 (h) ~~When~~ The parent or parents have been convicted of the
985 murder, manslaughter, aiding or abetting the murder, or
986 conspiracy or solicitation to murder the other parent or another
987 child, or a felony battery that resulted in serious bodily injury
988 to the child or to another child ~~committed murder or voluntary~~
989 ~~manslaughter of another child, or a felony assault that results~~
990 ~~in serious bodily injury to the child or another child, or aided~~
991 ~~or abetted, attempted, conspired, or solicited to commit such a~~
992 ~~murder or voluntary manslaughter or felony assault.~~

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

995 (j) The parent or parents have a history of extensive,
996 abusive, and chronic use of alcohol or a controlled substance
997 which renders them incapable of caring for the child, and have
998 refused or failed to complete available treatment for such use
999 during the 3-year period immediately preceding the filing of the
1000 petition for termination of parental rights.

1001 (k) A test administered at birth that indicated that the
1002 child's blood, urine, or meconium contained any amount of alcohol
1003 or a controlled substance or metabolites of such substances, the
1004 presence of which was not the result of medical treatment
1005 administered to the mother or the newborn infant, and the
1006 biological mother of the child is the biological mother of at
1007 least one other child who was adjudicated dependent after a
1008 finding of harm to the child's health or welfare due to exposure

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1009 to a controlled substance or alcohol as defined in s.
1010 39.01(31)(g), after which the biological mother had the
1011 opportunity to participate in substance abuse treatment.

1012 (1) On three or more occasions the child or another child
1013 of the parent or parents has been placed in out-of-home care
1014 pursuant to this chapter, and the conditions that led to the
1015 child's out-of-home placement were caused by the parent or
1016 parents.

1017 (2) Reasonable efforts to preserve and reunify families are
1018 not required if a court of competent jurisdiction has determined
1019 that any of the events described in paragraphs (1)(e)-(1) ~~(1)(e)-~~
1020 ~~(i)~~ have occurred.

1021 (3) If ~~When~~ a petition for termination of parental rights
1022 is filed under subsection (1), a separate petition for dependency
1023 need not be filed and the department need not offer the parents a
1024 case plan having ~~with~~ a goal of reunification, but may instead
1025 file with the court a case plan having ~~with~~ a goal of termination
1026 of parental rights to allow continuation of services until the
1027 termination is granted or until further orders of the court are
1028 issued.

1029 (4) If ~~When~~ an expedited termination of parental rights
1030 petition is filed, reasonable efforts shall be made to place the
1031 child in a timely manner in accordance with the permanency plan,
1032 and to complete whatever steps are necessary to finalize the
1033 permanent placement of the child.

1034 Section 18. Section 39.810, Florida Statutes, is amended to
1035 read:

1036 39.810 Manifest best interests of the child.--In a hearing
1037 on a petition for termination of parental rights, the court shall

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1038 consider the manifest best interests of the child. This
1039 consideration shall not include a comparison between the
1040 attributes of the parents and those of any persons providing a
1041 present or potential placement for the child. For the purpose of
1042 determining the manifest best interests of the child, the court
1043 shall consider and evaluate all relevant factors, including, but
1044 not limited to:

1045 (1) Any suitable permanent custody arrangement with a
1046 relative of the child. However, the availability of a nonadoptive
1047 placement with a relative may not receive greater consideration
1048 than any other factor weighing on the manifest best interest of
1049 the child and may not be considered as a factor weighing against
1050 termination of parental rights. If a child has been in a stable
1051 or preadoptive placement for not less than 6 months, the
1052 availability of a different placement, including a placement with
1053 a relative, may not be considered as a ground to deny the
1054 termination of parental rights.

1055 (2) The ability and disposition of the parent or parents to
1056 provide the child with food, clothing, medical care or other
1057 remedial care recognized and permitted under state law instead of
1058 medical care, and other material needs of the child.

1059 (3) The capacity of the parent or parents to care for the
1060 child to the extent that the child's safety, well-being, and
1061 physical, mental, and emotional health will not be endangered
1062 upon the child's return home.

1063 (4) The present mental and physical health needs of the
1064 child and such future needs of the child to the extent that such
1065 future needs can be ascertained based on the present condition of
1066 the child.

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1067 (5) The love, affection, and other emotional ties existing
1068 between the child and the child's parent or parents, siblings,
1069 and other relatives, and the degree of harm to the child that
1070 would arise from the termination of parental rights and duties.

1071 (6) The likelihood of an older child remaining in long-term
1072 foster care upon termination of parental rights, due to emotional
1073 or behavioral problems or any special needs of the child.

1074 (7) The child's ability to form a significant relationship
1075 with a parental substitute and the likelihood that the child will
1076 enter into a more stable and permanent family relationship as a
1077 result of permanent termination of parental rights and duties.

1078 (8) The length of time that the child has lived in a
1079 stable, satisfactory environment and the desirability of
1080 maintaining continuity.

1081 (9) The depth of the relationship existing between the
1082 child and the present custodian.

1083 (10) The reasonable preferences and wishes of the child, if
1084 the court deems the child to be of sufficient intelligence,
1085 understanding, and experience to express a preference.

1086 (11) The recommendations for the child provided by the
1087 child's guardian ad litem or legal representative.

1088
1089 If the court finds that termination of parental rights is in the
1090 manifest best interests of the child, the court shall also find
1091 that termination of parental rights is the least restrictive
1092 means of protecting the child.

1093 Section 19. Subsection (4) of section 322.142, Florida
1094 Statutes, is amended to read:

1095 322.142 Color photographic or digital imaged licenses.--

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1096 (4) The department may maintain a film negative or print
1097 file. The department shall maintain a record of the digital image
1098 and signature of the licensees, together with other data required
1099 by the department for identification and retrieval. Reproductions
1100 from the file or digital record are exempt from the provisions of
1101 s. 119.07(1) and shall be made and issued only for departmental
1102 administrative purposes; for the issuance of duplicate licenses;
1103 in response to law enforcement agency requests; to the Department
1104 of State pursuant to an interagency agreement to facilitate
1105 determinations of eligibility of voter registration applicants
1106 and registered voters in accordance with ss. 98.045 and 98.075;
1107 to the Department of Revenue pursuant to an interagency agreement
1108 for use in establishing paternity and establishing, modifying, or
1109 enforcing support obligations in Title IV-D cases; to the
1110 Department of Children and Family Services pursuant to an
1111 interagency agreement to conduct protective investigations under
1112 part III of chapter 39; or to the Department of Financial
1113 Services pursuant to an interagency agreement to facilitate the
1114 location of owners of unclaimed property, the validation of
1115 unclaimed property claims, and the identification of fraudulent
1116 or false claims, ~~and are exempt from the provisions of s.~~
1117 ~~119.07(1).~~

1118 Section 20. Section 402.401, Florida Statutes, is amended
1119 to read:

1120 402.401 Florida Child Welfare Student Loan Forgiveness
1121 Program.--

1122 ~~(1)~~ There is created the Florida Child Welfare Student Loan
1123 Forgiveness Program to be administered by the Department of
1124 Children and Family Services Education. The program shall provide

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1125 loan reimbursement assistance to eligible employees in child
1126 welfare positions that are critical to the department's mission,
1127 as determined by the department, and that are within the
1128 department, sheriff's offices, or contracted community-based care
1129 agencies ~~students for upper-division undergraduate and graduate~~
1130 ~~study. The primary purpose of the program is to attract capable~~
1131 ~~and promising students to the child welfare profession, increase~~
1132 ~~employment and retention of individuals who are working towards~~
1133 ~~or who have received either a bachelor's degree or a master's~~
1134 ~~degree in social work, or any human services subject area that~~
1135 ~~qualifies the individual for employment as a family services~~
1136 ~~worker, and provide opportunities for persons making midcareer~~
1137 ~~decisions to enter the child welfare profession. The State Board~~
1138 ~~of Education shall adopt rules necessary to administer the~~
1139 ~~program.~~

1140 ~~(2)(a)~~ To be eligible for a program loan, the employee's
1141 outstanding student loans may not be in a default status. a
1142 ~~candidate shall:~~

1143 1. ~~Be a full-time student at the upper-division~~
1144 ~~undergraduate or graduate level in a social work program approved~~
1145 ~~by the Council on Social Work Education leading to either a~~
1146 ~~bachelor's degree or a master's degree in social work or an~~
1147 ~~accredited human services degree program.~~

1148 2. ~~Have declared an intent to work in child welfare for at~~
1149 ~~least the number of years for which a forgivable loan is received~~
1150 ~~at the Department of Children and Family Services or its~~
1151 ~~successor, or with an eligible lead community-based provider as~~
1152 ~~defined in s. 409.1671.~~

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1153 ~~3. If applying for an undergraduate forgivable loan, have~~
1154 ~~maintained a minimum cumulative grade point average of at least a~~
1155 ~~2.5 on a 4.0 scale for all undergraduate work. Renewal applicants~~
1156 ~~for undergraduate loans shall have maintained a minimum~~
1157 ~~cumulative grade point average of at least a 2.5 on a 4.0 scale~~
1158 ~~for all undergraduate work and have earned at least 12 semester~~
1159 ~~credits per term, or the equivalent.~~

1160 ~~4. If applying for a graduate forgivable loan, have~~
1161 ~~maintained an undergraduate cumulative grade point average of at~~
1162 ~~least a 3.0 on a 4.0 scale or have attained a Graduate Record~~
1163 ~~Examination score of at least 1,000. Renewal applicants for~~
1164 ~~graduate loans shall have maintained a minimum cumulative grade~~
1165 ~~point average of at least a 3.0 on a 4.0 scale for all graduate~~
1166 ~~work and have earned at least 9 semester credits per term, or the~~
1167 ~~equivalent.~~

1168 ~~(b) An undergraduate forgivable loan may be awarded for 2~~
1169 ~~undergraduate years, not to exceed \$4,000 per year.~~

1170 ~~(c) A graduate forgivable loan may be awarded for 2~~
1171 ~~graduate years, not to exceed \$8,000 per year. In addition to~~
1172 ~~meeting criteria specified in paragraph (a), a loan recipient at~~
1173 ~~the graduate level shall:~~

1174 ~~1. Hold a bachelor's degree from a school or department of~~
1175 ~~social work at any college or university accredited by the~~
1176 ~~Council on Social Work Education, or hold a degree in a human~~
1177 ~~services field from an accredited college or university.~~

1178 ~~2. Not have received an undergraduate forgivable loan as~~
1179 ~~provided for in paragraph (b).~~

1180 ~~(d) The State Board of Education shall adopt by rule~~
1181 ~~repayment schedules and applicable interest rates under ss.~~

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1182 ~~1009.82 and 1009.95. A forgivable loan must be repaid within 10~~
1183 ~~years after completion of a program of studies.~~

1184 ~~1. Credit for repayment of an undergraduate or graduate~~
1185 ~~forgivable loan shall be in an amount not to exceed \$4,000 in~~
1186 ~~loan principal plus applicable accrued interest for each full~~
1187 ~~year of eligible service in the child welfare profession.~~

1188 ~~2. Any forgivable loan recipient who fails to work at the~~
1189 ~~Department of Children and Family Services or its successor, or~~
1190 ~~with an eligible lead community-based provider as defined in s.~~
1191 ~~409.1671, is responsible for repaying the loan plus accrued~~
1192 ~~interest at 8 percent annually.~~

1193 ~~3. Forgivable loan recipients may receive loan repayment~~
1194 ~~credit for child welfare service rendered at any time during the~~
1195 ~~scheduled repayment period. However, such repayment credit shall~~
1196 ~~be applicable only to the current principal and accrued interest~~
1197 ~~balance that remains at the time the repayment credit is earned.~~
1198 ~~No loan recipient shall be reimbursed for previous cash payments~~
1199 ~~of principal and interest.~~

1200 ~~(3)~~ This section shall be implemented only as specifically
1201 funded.

1202 Section 21. Paragraphs (h) and (j) of subsection (1) of
1203 section 409.1671, Florida Statutes, are amended to read:

1204 409.1671 Foster care and related services; outsourcing.--

1205 (1)

1206 (h) Other than an entity to which s. 768.28 applies, any
1207 eligible lead community-based provider, as defined in paragraph
1208 (e), or its employees or officers, except as otherwise provided
1209 in paragraph (i), must, as a part of its contract, obtain a
1210 minimum of \$1 million per claim/\$3 million per incident in

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1211 general liability insurance coverage. The eligible lead
1212 community-based provider must also require that staff who
1213 transport client children and families in their personal
1214 automobiles in order to carry out their job responsibilities
1215 obtain minimum bodily injury liability insurance in the amount of
1216 \$100,000 per claim, \$300,000 per incident, on their personal
1217 automobiles. In lieu of personal motor vehicle insurance, the
1218 lead community-based provider's casualty, liability, or motor
1219 vehicle insurance carrier may provide nonowned automobile
1220 liability coverage. This insurance provides liability insurance
1221 for automobiles that the provider uses in connection with the
1222 provider's business but does not own, lease, rent, or borrow.
1223 This coverage includes automobiles owned by the employees of the
1224 provider or a member of the employee's household but only while
1225 the automobiles are used in connection with the provider's
1226 business. The nonowned automobile coverage for the provider
1227 applies as excess coverage over any other collectible insurance.
1228 The personal automobile policy for the employee of the provider
1229 shall be primary insurance and the nonowned automobile coverage
1230 of the provider acts as excess insurance to the primary
1231 insurance. The provider shall provide a minimum limit of \$1
1232 million in nonowned automobile coverage. In any tort action
1233 brought against such an eligible lead community-based provider or
1234 employee, net economic damages shall be limited to \$1 million per
1235 liability claim and \$100,000 per automobile claim, including, but
1236 not limited to, past and future medical expenses, wage loss, and
1237 loss of earning capacity, offset by any collateral source payment
1238 paid or payable. In any tort action brought against such an
1239 eligible lead community-based provider, noneconomic damages shall

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1240 | be limited to \$200,000 per claim. A claims bill may be brought on
1241 | behalf of a claimant pursuant to s. 768.28 for any amount
1242 | exceeding the limits specified in this paragraph. Any offset of
1243 | collateral source payments made as of the date of the settlement
1244 | or judgment shall be in accordance with s. 768.76. The lead
1245 | community-based provider shall not be liable in tort for the acts
1246 | or omissions of its subcontractors or the officers, agents, or
1247 | employees of its subcontractors.

1248 | (j) Any subcontractor of an eligible lead community-based
1249 | provider, as defined in paragraph (e), which is a direct provider
1250 | of foster care and related services to children and families, and
1251 | its employees or officers, except as otherwise provided in
1252 | paragraph (i), must, as a part of its contract, obtain a minimum
1253 | of \$1 million per claim/\$3 million per incident in general
1254 | liability insurance coverage. The subcontractor of an eligible
1255 | lead community-based provider must also require that staff who
1256 | transport client children and families in their personal
1257 | automobiles in order to carry out their job responsibilities
1258 | obtain minimum bodily injury liability insurance in the amount of
1259 | \$100,000 per claim, \$300,000 per incident, on their personal
1260 | automobiles. In lieu of personal motor vehicle insurance, the
1261 | subcontractor's casualty, liability, or motor vehicle insurance
1262 | carrier may provide nonowned automobile liability coverage. This
1263 | insurance provides liability insurance for automobiles that the
1264 | subcontractor uses in connection with the subcontractor's
1265 | business but does not own, lease, rent, or borrow. This coverage
1266 | includes automobiles owned by the employees of the subcontractor
1267 | or a member of the employee's household but only while the
1268 | automobiles are used in connection with the subcontractor's

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1269 business. The nonowned automobile coverage for the subcontractor
1270 applies as excess coverage over any other collectible insurance.
1271 The personal automobile policy for the employee of the
1272 subcontractor shall be primary insurance and the nonowned
1273 automobile coverage of the subcontractor acts as excess insurance
1274 to the primary insurance. The subcontractor shall provide a
1275 minimum limit of \$1 million in nonowned automobile coverage. In
1276 any tort action brought against such subcontractor or employee,
1277 net economic damages shall be limited to \$1 million per liability
1278 claim and \$100,000 per automobile claim, including, but not
1279 limited to, past and future medical expenses, wage loss, and loss
1280 of earning capacity, offset by any collateral source payment paid
1281 or payable. In any tort action brought against such
1282 subcontractor, noneconomic damages shall be limited to \$200,000
1283 per claim. A claims bill may be brought on behalf of a claimant
1284 pursuant to s. 768.28 for any amount exceeding the limits
1285 specified in this paragraph. Any offset of collateral source
1286 payments made as of the date of the settlement or judgment shall
1287 be in accordance with s. 768.76.

1288 Section 22. Paragraph (a) of subsection (4) of section
1289 409.175, Florida Statutes, is amended to read:

1290 409.175 Licensure of family foster homes, residential
1291 child-caring agencies, and child-placing agencies; public records
1292 exemption.--

1293 (4) (a) A person, family foster home, or residential child-
1294 caring agency may ~~shall~~ not provide ~~receive a child for~~
1295 continuing full-time child care or custody unless such person,
1296 home, or agency has first procured a license from the department
1297 to provide such care. This requirement does not apply to a person

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1298 who is a relative of the child by blood, marriage, or adoption,
1299 ~~or to a permanent legal guardian established under s. 39.6221, a~~
1300 ~~person who has received the child from the department,~~ a licensed
1301 child-placing agency, or an intermediary for the purposes of
1302 adoption pursuant to chapter 63.

1303 Section 23. Subsection (3) of section 787.04, Florida
1304 Statutes, is amended to read:

1305 787.04 Removing minors from state or concealing minors
1306 contrary to state agency order or court order.--

1307 (3) It is unlawful for any person, ~~with criminal intent,~~ to
1308 knowingly and willfully lead, take, entice, or remove a minor
1309 beyond the limits of this state, or to knowingly and willfully
1310 conceal the location of a minor, during the pendency of a
1311 dependency proceeding affecting such minor or during the pendency
1312 of any investigation, action, or proceeding concerning the
1313 alleged abuse or neglect of such minor, after having received
1314 actual or constructive notice of the pendency of such
1315 investigation, action, or proceeding and without the permission
1316 of the state agency or court in which the investigation, action,
1317 or proceeding is pending.

1318 Section 24. Subsection (1) of section 937.021, Florida
1319 Statutes, is amended to read:

1320 937.021 Missing child reports.--

1321 (1) Upon the filing of a police report that a child is
1322 missing by the parent or guardian, the Department of Children and
1323 Family Services, a community-based care provider, or a sheriff's
1324 office providing investigative services for the department, the
1325 law enforcement agency receiving the report shall immediately
1326 inform all on-duty law enforcement officers of the ~~existence of~~

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1327 ~~the~~ missing child report, communicate the report to every other
1328 law enforcement agency having jurisdiction in the county, and
1329 transmit the report for inclusion within the Florida Crime
1330 Information Center computer. A law enforcement agency may not
1331 require a reporter to present an order that a child be taken into
1332 custody or any other such order before accepting a report that a
1333 child is missing.

1334 Section 25. Paragraph (c) of subsection (4) of section
1335 985.04, Florida Statutes, is amended to read:

1336 985.04 Oaths; records; confidential information.--
1337 (4)

1338 (c) The department shall disclose to the school
1339 superintendent the presence of any child in the care and custody
1340 or under the jurisdiction or supervision of the department who
1341 has a known history of criminal sexual behavior with other
1342 juveniles; is an alleged juvenile sexual offender or a child who
1343 has exhibited inappropriate sexual behavior, as defined in s.
1344 39.01; or has pled guilty or nolo contendere to, or has been
1345 found to have committed, a violation of chapter 794, chapter 796,
1346 chapter 800, s. 827.071, or s. 847.0133, regardless of
1347 adjudication. An ~~Any~~ employee of a district school board who
1348 knowingly and willfully discloses such information to an
1349 unauthorized person commits a misdemeanor of the second degree,
1350 punishable as provided in s. 775.082 or s. 775.083.

1351 Section 26. Effective upon this act becoming a law and
1352 operating retroactively to June 29, 2008, subsection (3) of
1353 section 1 of chapter 2007-174, Laws of Florida, is amended to
1354 read:

1355 (3) This section expires June 30, 2009 ~~2008~~.

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1356 Section 27. Paragraph (b) of subsection (3) of section
1357 39.0015, Florida Statutes, is amended to read:

1358 39.0015 Child abuse prevention training in the district
1359 school system.--

1360 (3) DEFINITIONS.--As used in this section:

1361 (b) "Child abuse" means abandonment, abuse, harm, mental
1362 injury, neglect, physical injury, or sexual abuse of a child as
1363 those terms are defined in s. 39.01 ~~those acts as defined in ss.~~
1364 ~~39.01(1), (2), (31), (41), (43), (55), and (66), 827.04, and~~
1365 ~~984.03 984.03(1), (2), and (37).~~

1366 Section 28. Subsection (5) of section 39.205, Florida
1367 Statutes, is amended to read:

1368 39.205 Penalties relating to reporting of child abuse,
1369 abandonment, or neglect.--

1370 (5) If the department or its authorized agent has
1371 determined after its investigation that a report is false, the
1372 department shall, with the consent of the alleged perpetrator,
1373 refer the report to the local law enforcement agency having
1374 jurisdiction for an investigation to determine whether sufficient
1375 evidence exists to refer the case for prosecution for filing a
1376 false report as defined in s. 39.01 ~~s. 39.01(28)~~. During the
1377 pendency of the investigation ~~by the local law enforcement~~
1378 ~~agency~~, the department must notify the local law enforcement
1379 agency of, and the local law enforcement agency must respond to,
1380 all subsequent reports concerning children in that same family in
1381 accordance with s. 39.301. If the law enforcement agency believes
1382 that there are indicators of abuse, abandonment, or neglect, it
1383 must immediately notify the department, which must ensure ~~assure~~
1384 the safety of the children. If the law enforcement agency finds

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1385 sufficient evidence for prosecution for filing a false report, it
1386 must refer the case to the appropriate state attorney for
1387 prosecution.

1388 Section 29. Subsection (1) of section 39.302, Florida
1389 Statutes, is amended to read:

1390 39.302 Protective investigations of institutional child
1391 abuse, abandonment, or neglect.--

1392 (1) The department shall conduct a child protective
1393 investigation of each report of institutional child abuse,
1394 abandonment, or neglect. Upon receipt of a report that alleges
1395 that an employee or agent of the department, or any other entity
1396 or person covered by s. 39.01(33) or (47) ~~s. 39.01(32) or (46)~~,
1397 acting in an official capacity, has committed an act of child
1398 abuse, abandonment, or neglect, the department shall initiate a
1399 child protective investigation within the timeframe established
1400 ~~by the central abuse hotline~~ under s. 39.201(5) and orally notify
1401 the appropriate state attorney, law enforcement agency, and
1402 licensing agency, which. ~~These agencies~~ shall immediately conduct
1403 a joint investigation, unless independent investigations are more
1404 feasible. When conducting investigations onsite or having face-
1405 to-face interviews with the child, ~~such~~ investigation visits
1406 shall be unannounced unless it is determined by the department or
1407 its agent that ~~the~~ unannounced visits ~~would~~ threaten the safety
1408 of the child. If ~~When~~ a facility is exempt from licensing, the
1409 department shall inform the owner or operator of the facility of
1410 the report. Each agency conducting a joint investigation is
1411 entitled to full access to the information gathered by the
1412 department in the course of the investigation. A protective
1413 investigation must include an onsite visit of the child's place

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1414 of residence. ~~In all cases,~~ The department shall make a full
1415 written report to the state attorney within 3 working days after
1416 making the oral report. A criminal investigation shall be
1417 coordinated, whenever possible, with the child protective
1418 investigation of the department. Any interested person who has
1419 information regarding the offenses described in this subsection
1420 may forward a statement to the state attorney as to whether
1421 prosecution is warranted and appropriate. Within 15 days after
1422 the completion of the investigation, the state attorney shall
1423 report the findings to the department and shall include in the
1424 report a determination of whether or not prosecution is justified
1425 and appropriate in view of the circumstances of the specific
1426 case.

1427 Section 30. Paragraphs (b) and (c) of subsection (2) of
1428 section 39.6011, Florida Statutes, are amended to read:

1429 39.6011 Case plan development.--

1430 (2) The case plan must be written simply and clearly in
1431 English and, if English is not the principal language of the
1432 child's parent, to the extent possible in the parent's principal
1433 language. Each case plan must contain:

1434 (b) The permanency goal ~~as defined in s. 39.01(51)~~.

1435 (c) If concurrent planning is being used, a description of
1436 the permanency goal of reunification with the parent or legal
1437 custodian in addition to a description of one of the remaining
1438 permanency goals described in s. 39.01 ~~s. 39.01(51)~~.

1439 Section 31. Paragraph (e) of subsection (6) of section
1440 39.811, Florida Statutes, is amended to read:

1441 39.811 Powers of disposition; order of disposition.--

1442 (6) The parental rights of one parent may be severed

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1443 without severing the parental rights of the other parent only
1444 under the following circumstances:

1445 (e) If the parent whose rights are being terminated meets
1446 any of the criteria specified in s. 39.806(1)(d) and (f)-(1) ~~(f)-~~
1447 ~~(i)~~.

1448 Section 32. Paragraph (a) of subsection (1) of section
1449 39.828, Florida Statutes, is amended to read:

1450 39.828 Grounds for appointment of a guardian advocate.--

1451 (1) The court shall appoint the person named in the
1452 petition as a guardian advocate with all the powers and duties
1453 specified in s. 39.829 for an initial term of 1 year upon a
1454 finding that:

1455 (a) The child named in the petition is or was a drug
1456 dependent newborn as described in s. 39.01(32)(g) ~~s.~~
1457 ~~39.01(31)(g)~~;

1458 Section 33. Paragraph (d) of subsection (1) of section
1459 419.001, Florida Statutes, is amended to read:

1460 419.001 Site selection of community residential homes.--

1461 (1) For the purposes of this section, the following
1462 definitions shall apply:

1463 (d) "Resident" means any of the following: a frail elder as
1464 defined in s. 429.65; a physically disabled or handicapped person
1465 as defined in s. 760.22(7)(a); a developmentally disabled person
1466 as defined in s. 393.063; a nondangerous mentally ill person as
1467 defined in s. 394.455(18); or a child who is found to be
1468 dependent as defined in s. 39.01 or s.984.03, or a child in need
1469 of services as defined in s. 984.03 ~~s. 39.01(14), s. 984.03(9) or~~
1470 ~~(12)~~, or s. 985.03.

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1471 | Section 34. Except as otherwise expressly provided in this
1472 | act and except for this section, which shall take effect upon
1473 | becoming a law, this act shall take effect July 1, 2008.