



CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
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Floor: 1/AD/2R 4/23/2008 10:08 PM	.	Floor: AA 5/2/2008 3:26 PM

1 Senator Storms moved the following **amendment**:

2
3 **Senate Amendment (with title amendment)**

4 Delete everything after the enacting clause
5 and insert:

6
7 Section 1. Subsection (1) and paragraphs (e) and (g) of
8 present subsection (31) of section 39.01, Florida Statutes, are
9 amended, present subsections (14) through (74) are renumbered as
10 subsections (15) through (75), respectively, and a new subsection
11 (14) is added to that section, to read:

12 39.01 Definitions.--When used in this chapter, unless the
13 context otherwise requires:

14 (1) "Abandoned" or "abandonment" means a situation in which
15 the parent or legal custodian of a child or, in the absence of a
16 parent or legal custodian, the caregiver ~~responsible for the~~
17 ~~child's welfare~~, while being able, makes no provision for the



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18 child's support and has failed to establish or maintain a
19 substantial and positive relationship with the child. For
20 purposes of this subsection, "establish or maintain a substantial
21 and positive relationship" includes, but is not limited to,
22 frequent and regular contact with the child through frequent and
23 regular visitation or frequent and regular communication to or
24 with the child, and the exercise of parental rights and
25 responsibilities. Marginal efforts and incidental or token visits
26 or communications are not sufficient to establish or maintain a
27 substantial and positive relationship with a child. ~~and makes no~~
28 ~~effort to communicate with the child, which situation is~~
29 ~~sufficient to evince a willful rejection of parental~~
30 ~~obligations. If the efforts of the parent or legal custodian, or~~
31 ~~caregiver primarily responsible for the child's welfare, to~~
32 ~~support and communicate with the child are, in the opinion of the~~
33 ~~court, only marginal efforts that do not evince a settled purpose~~
34 ~~to assume all parental duties, the court may declare the child to~~
35 ~~be abandoned. The term "abandoned" does not include an abandoned~~
36 ~~newborn infant as described in s. 383.50, a "child in need of~~
37 ~~services" as defined in chapter 984, or a "family in need of~~
38 ~~services" as defined in chapter 984. The incarceration of a~~
39 ~~parent, legal custodian, or caregiver responsible for a child's~~
40 ~~welfare may support a finding of abandonment.~~

41 (14) "Child who has exhibited inappropriate sexual
42 behavior" means a child who is 12 years of age or younger and who
43 has been found by the department or the court to have committed
44 an inappropriate sexual act.

45 (32)-(31) "Harm" to a child's health or welfare can occur
46 when any person:



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47 (e) Abandons the child. Within the context of the
48 definition of "harm," the term "abandoned the child" or
49 "abandonment of the child" means a situation in which the parent
50 or legal custodian of a child or, in the absence of a parent or
51 legal custodian, the caregiver, while being able, makes no
52 provision for the child's support and has failed to establish or
53 maintain a substantial and positive relationship with the child.
54 For purposes of this paragraph, "establish or maintain a
55 substantial and positive relationship" includes, but is not
56 limited to, frequent and regular contact with the child through
57 frequent and regular visitation or frequent and regular
58 communication to or with the child, and the exercise of parental
59 rights and responsibilities. Marginal efforts and incidental or
60 token visits or communications are not sufficient to establish or
61 maintain a substantial and positive relationship with a child
62 ~~"abandons the child" means that the parent or legal custodian of~~
63 ~~a child or, in the absence of a parent or legal custodian, the~~
64 ~~person responsible for the child's welfare, while being able,~~
65 ~~makes no provision for the child's support and makes no effort to~~
66 ~~communicate with the child, which situation is sufficient to~~
67 ~~evince a willful rejection of parental obligation. If the efforts~~
68 ~~of the parent or legal custodian or person primarily responsible~~
69 ~~for the child's welfare to support and communicate with the child~~
70 ~~are only marginal efforts that do not evince a settled purpose to~~
71 ~~assume all parental duties, the child may be determined to have~~
72 ~~been abandoned.~~ The term "abandoned" does not include an
73 abandoned newborn infant as described in s. 383.50.

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



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76 1. A test, administered at birth, which indicated that the
77 child's blood, urine, or meconium contained any amount of alcohol
78 or a controlled substance or metabolites of such substances, the
79 presence of which was not the result of medical treatment
80 administered to the mother or the newborn infant ~~Use by the~~
81 ~~mother of a controlled substance or alcohol during pregnancy when~~
82 ~~the child, at birth, is demonstrably adversely affected by such~~
83 ~~usage; or~~

84 2. Evidence of extensive, abusive, and ~~Continued~~ chronic
85 ~~and severe~~ use of a controlled substance or alcohol by a parent
86 when the child is demonstrably adversely affected by such usage.
87

88 As used in this paragraph, the term "controlled substance" means
89 prescription drugs not prescribed for the parent or not
90 administered as prescribed and controlled substances as outlined
91 in Schedule I or Schedule II of s. 893.03.

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

94 39.0121 Specific rulemaking authority.--Pursuant to the
95 requirements of s. 120.536, the department is specifically
96 authorized to adopt, amend, and repeal administrative rules which
97 implement or interpret law or policy, or describe the procedure
98 and practice requirements necessary to implement this chapter,
99 including, but not limited to, the following:

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

104 (a) Provide comprehensive, explicit, and consistent
105 guidelines to be followed by the department's employees and



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106 contracted providers when the whereabouts of a child involved
107 with the department is unknown.

108 (b) Include criteria to determine when a child is missing
109 for purposes of making a report to a law enforcement agency, and
110 require that in all cases in which a law enforcement agency has
111 accepted a case for criminal investigation pursuant to s.

112 39.301(2)(c) and the child's whereabouts are unknown, the child
113 shall be considered missing and a report made.

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

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

120 39.0138 Criminal history records check; limit on placement
121 of a child.--

122 (1) The department shall conduct a criminal history records
123 check on ~~for~~ all persons being considered by the department ~~for~~
124 ~~approval~~ for placement of a child subject to a placement decision
125 under this chapter, including all nonrelative placement
126 decisions, all members of the household of the person being
127 considered, and frequent visitors to the household. For purposes
128 of this section, a criminal history records check may include,
129 but is not limited to, submission of fingerprints to the
130 Department of Law Enforcement for processing and forwarding to
131 the Federal Bureau of Investigation for state and national
132 criminal history information, and local criminal records checks
133 through local law enforcement agencies. A criminal history
134 records check must also include a search of the department's
135 automated abuse information system. The department shall



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136 establish by rule standards for evaluating any information
137 contained in the automated system relating to a person who must
138 be screened for purposes of making a placement decision.

139 Section 4. Section 39.0141, Florida Statutes, is created to
140 read:

141 39.0141 Missing children; report required.--Whenever the
142 whereabouts of a child involved with the department becomes
143 unknown, the department, the community-based care provider, or
144 the sheriff's office providing investigative services for the
145 department shall make reasonable efforts, as defined by rule, to
146 locate the child. If, pursuant to criteria established by rule,
147 the child is determined to be missing, the department, the
148 community-based care provider, or the sheriff's office shall file
149 a report that the child is missing in accordance with s. 937.021.

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

152 39.201 Mandatory reports of child abuse, abandonment, or
153 neglect; mandatory reports of death; central abuse hotline.--

154 (2) (a) Each report of known or suspected child abuse,
155 abandonment, or neglect by a parent, legal custodian, caregiver,
156 or other person responsible for the child's welfare as defined in
157 this chapter, except those solely under s. 827.04(3), and each
158 report that a child is in need of supervision and care and has no
159 parent, legal custodian, or responsible adult relative
160 immediately known and available to provide supervision and care
161 shall be made immediately to the department's central abuse
162 hotline. Such reports may be made on the single statewide toll-
163 free telephone number or via fax or web-based report. Personnel
164 at the department's central abuse hotline shall determine if the
165 report received meets the statutory definition of child abuse,



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166 abandonment, or neglect. Any report meeting one of these
167 definitions shall be accepted for the protective investigation
168 pursuant to part III of this chapter.

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

175 (c) If the report is of an instance of known or suspected
176 child abuse, abandonment, or neglect that occurred out of state
177 and the alleged perpetrator and the child alleged to be a victim
178 live out of state, the central abuse hotline shall not accept the
179 report or call for investigation, but shall transfer the
180 information on the report to the appropriate state.

181 (d) If the report is of an instance of known or suspected
182 child abuse involving impregnation of a child under 16 years of
183 age by a person 21 years of age or older solely under s.
184 827.04(3), the report shall be made immediately to the
185 appropriate county sheriff's office or other appropriate law
186 enforcement agency. If the report is of an instance of known or
187 suspected child abuse solely under s. 827.04(3), the reporting
188 provisions of this subsection do not apply to health care
189 professionals or other persons who provide medical or counseling
190 services to pregnant children when such reporting would interfere
191 with the provision of medical services.

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



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

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

200 2. If ~~When~~ the alleged ~~juvenile sexual~~ offender is 12 years
201 of age or younger, the central abuse hotline shall immediately
202 electronically transfer the report or call to the county
203 sheriff's ~~appropriate law enforcement agency~~ office. The
204 department shall conduct an assessment and assist the family in
205 receiving appropriate services pursuant to s. 39.307, and send a
206 written report of the allegation to the appropriate county
207 sheriff's office within 48 hours after the initial report is made
208 to the central abuse hotline.

209 3. If ~~When~~ the alleged ~~juvenile sexual~~ offender is 13 years
210 of age or older, the central abuse hotline ~~department~~ shall
211 immediately electronically transfer the report or call to the
212 appropriate county sheriff's office ~~by the central abuse hotline,~~
213 and send a written report to the appropriate county sheriff's
214 office within 48 hours after the initial report to the central
215 abuse hotline.

216 (g) Reports involving abandoned newborn infants as
217 described in s. 383.50 shall be made and received by the
218 department.

219 1. If the report is of an abandoned newborn infant as
220 described in s. 383.50 and there is no indication of abuse,
221 neglect, or abandonment other than that necessarily entailed in
222 the infant having been left at a hospital, emergency medical
223 services station, or fire station, the department shall provide
224 to the caller the name of a licensed child-placing agency on a



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225 rotating basis from a list of licensed child-placing agencies
226 eligible and required to accept physical custody of and to place
227 newborn infants left at a hospital, emergency medical services
228 station, or fire station. The report shall not be considered a
229 report of abuse, neglect, or abandonment solely because the
230 infant has been left at a hospital, emergency medical services
231 station, or fire station pursuant to s. 383.50.

232 2. If the call, fax, or web-based report includes caller
233 reports indications of abuse or neglect beyond that necessarily
234 entailed in the infant having been left at a hospital, emergency
235 medical services station, or fire station, the report shall be
236 considered as a report of abuse, neglect, or abandonment and
237 shall be subject to the requirements of s. 39.395 and all other
238 relevant provisions of this chapter, notwithstanding any
239 provisions of chapter 383.

240 (h) Hotline counselors shall receive periodic training in
241 encouraging reporters to provide their names when reporting
242 abuse, abandonment, or neglect. Callers shall be advised of the
243 confidentiality provisions of s. 39.202. The department shall
244 secure and install electronic equipment that automatically
245 provides to the hotline the number from which the call or fax is
246 placed or the Internet protocol (IP) address from which the
247 report is received. This number shall be entered into the report
248 of abuse, abandonment, or neglect and become a part of the record
249 of the report, but shall enjoy the same confidentiality as
250 provided to the identity of the reporter ~~caller~~ pursuant to s.
251 39.202.

252 (i) The department shall voice-record all incoming or
253 outgoing calls that are received or placed by the central abuse
254 hotline which relate to suspected or known child abuse, neglect,



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255 | or abandonment. The department shall maintain an electronic copy
256 | of each fax and web-based report. The recording or electronic
257 | copy of each fax and web-based report shall become a part of the
258 | record of the report but, notwithstanding s. 39.202, shall be
259 | released in full only to law enforcement agencies and state
260 | attorneys for the purpose of investigating and prosecuting
261 | criminal charges pursuant to s. 39.205, or to employees of the
262 | department for the purpose of investigating and seeking
263 | administrative penalties pursuant to s. 39.206. Nothing in this
264 | paragraph shall prohibit the use of the recordings, the
265 | electronic copies of faxes, and web-based reports by hotline
266 | staff for quality assurance and training.

267 | (4) The department shall establish and maintain a central
268 | abuse hotline to receive all reports made pursuant to this
269 | section in writing, via fax, via web-based reporting, or through
270 | a single statewide toll-free telephone number, which any person
271 | may use to report known or suspected child abuse, abandonment, or
272 | neglect at any hour of the day or night, any day of the week. The
273 | central abuse hotline shall be operated in such a manner as to
274 | enable the department to:

275 | (a) Immediately identify and locate prior reports or cases
276 | of child abuse, abandonment, or neglect through utilization of
277 | the department's automated tracking system.

278 | (b) Monitor and evaluate the effectiveness of the
279 | department's program for reporting and investigating suspected
280 | abuse, abandonment, or neglect of children through the
281 | development and analysis of statistical and other information.

282 | (c) Track critical steps in the investigative process to
283 | ensure compliance with all requirements for any report of abuse,
284 | abandonment, or neglect.



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285 (d) Maintain and produce aggregate statistical reports
286 monitoring patterns of child abuse, child abandonment, and child
287 neglect. The department shall collect and analyze child-on-child
288 sexual abuse reports and include the information in aggregate
289 statistical reports.

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

293 (f) Initiate and enter into agreements with other states
294 for the purpose of gathering and sharing information contained in
295 reports on child maltreatment to further enhance programs for the
296 protection of children.

297 (7) On an ongoing basis, the department's quality assurance
298 program shall review calls, fax reports, and web-based reports to
299 the hotline involving three or more unaccepted reports on a
300 single child, where jurisdiction applies, in order to detect such
301 things as harassment and situations that warrant an investigation
302 because of the frequency or variety of the source of the reports.
303 The Program Director for Family Safety may refer a case for
304 investigation when it is determined, as a result of this review,
305 that an investigation may be warranted.

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

308 39.301 Initiation of protective investigations.--

309 (1) Upon receiving a ~~an oral or written~~ report of known or
310 suspected child abuse, abandonment, or neglect, or that a child
311 is in need of supervision and care and has no parent, legal
312 custodian, or responsible adult relative immediately known and
313 available to provide supervision and care, the central abuse
314 hotline shall determine if the report requires an immediate



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315 onsite protective investigation. For reports requiring an
316 immediate onsite protective investigation, the central abuse
317 hotline shall immediately notify the department's designated
318 ~~children and families~~ district staff responsible for protective
319 investigations to ensure that an onsite investigation is promptly
320 initiated. For reports not requiring an immediate onsite
321 protective investigation, the central abuse hotline shall notify
322 the department's designated ~~children and families~~ district staff
323 responsible for protective investigations in sufficient time to
324 allow for an investigation. At the time of notification ~~of~~
325 ~~district staff with respect to the report~~, the central abuse
326 hotline shall also provide information to district staff on any
327 previous report concerning a subject of the present report or any
328 pertinent information relative to the present report or any noted
329 earlier reports.

330 (16) The department shall complete its protective
331 investigation within ~~No later than~~ 60 days after receiving the
332 initial report, unless: ~~the local office of the department shall~~
333 ~~complete its investigation.~~

334 (a) There is also an active, concurrent criminal
335 investigation that is continuing beyond the 60-day period and the
336 closure of the protective investigation may compromise successful
337 criminal prosecution of the child abuse or neglect case, in which
338 case the closure date shall coincide with the closure date of the
339 criminal investigation and any resulting legal action.

340 (b) In child death cases, the final report of the medical
341 examiner is necessary for the department to close its
342 investigation, and the report has not been received within the
343 60-day period, in which case the report closure date shall be
344 extended to accommodate to the report.



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345 (c) A child who is necessary to an investigation has been
346 declared missing by the department, a law enforcement agency, or
347 a court, in which case the 60-day period shall be extended until
348 the child has been located or until sufficient information exists
349 to close the investigation despite the unknown location of the
350 child.

351 Section 7. Subsections (2), (3), (4), and (5) of section
352 39.307, Florida Statutes, are amended to read:

353 39.307 Reports of child-on-child sexual abuse.--

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

356 (a) The purpose of the response to a report alleging
357 juvenile sexual abuse behavior shall be explained to the
358 caregiver.

359 1. The purpose of the response shall be explained in a
360 manner consistent with legislative purpose and intent provided in
361 this chapter.

362 2. The name and office telephone number of the person
363 responding shall be provided to the caregiver of the alleged
364 juvenile sexual offender or child who has exhibited inappropriate
365 sexual behavior and the victim's caregiver.

366 3. The possible consequences of the department's response,
367 including outcomes and services, shall be explained to the
368 caregiver of the alleged juvenile sexual offender or child who
369 has exhibited inappropriate sexual behavior and the victim's
370 family or caregiver.

371 (b) The caregiver of the alleged juvenile sexual offender
372 or child who has exhibited inappropriate sexual behavior and the
373 victim's caregiver ~~of the victim~~ shall be involved to the fullest



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374 extent possible in determining the nature of the allegation and
375 the nature of any problem or risk to other children.

376 (c) The assessment of risk and the perceived treatment
377 needs of the alleged juvenile sexual offender or child who has
378 exhibited inappropriate sexual behavior, the victim, and
379 respective caregivers shall be conducted by the district staff,
380 the child protection team of the Department of Health, and other
381 providers under contract with the department to provide services
382 to the caregiver of the alleged offender, the victim, and the
383 victim's caregiver.

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

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

390 (f) Based on the information obtained from the alleged
391 juvenile sexual offender or child who has exhibited inappropriate
392 sexual behavior, his or her ~~the alleged juvenile sexual~~
393 ~~offender's~~ caregiver, the victim, and the victim's caregiver, an
394 assessment service and treatment needs report must be completed
395 within 7 days and, if needed, a case plan developed within 30
396 days.

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

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

402 2. Services accepted by alleged offender. Services were
403 offered to the alleged juvenile sexual offender or child who has



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404 exhibited inappropriate sexual behavior and accepted by the
405 caregiver.

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

409 4. Notification to law enforcement. ~~Either~~ The risk to the
410 victim's safety and well-being cannot be reduced by the provision
411 of services or the caregiver family rejected services, and
412 notification of the alleged delinquent act or violation of law to
413 the appropriate law enforcement agency was initiated.

414 5. Services accepted by victim. Services were offered to
415 the victim ~~of the alleged juvenile sexual offender~~ and accepted
416 by the caregiver.

417 6. Report closed. Services were offered to the victim ~~of~~
418 ~~the alleged juvenile sexual offender~~, but were rejected by the
419 caregiver.

420 (3) If ~~When~~ services have been accepted by the alleged
421 juvenile sexual offender or child who has exhibited inappropriate
422 sexual behavior, the victim, and respective caregivers ~~or family~~,
423 the department shall designate a case manager and develop a
424 specific case plan.

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

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

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

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



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433 (4) Services provided to the alleged juvenile sexual
434 offender or child who has exhibited inappropriate sexual
435 behavior, the victim, and respective caregivers or family must be
436 voluntary and of necessary duration.

437 ~~(5)(4)~~ If In the event the family or caregiver of the
438 alleged juvenile sexual offender or child who has exhibited
439 inappropriate sexual behavior fails to adequately participate or
440 allow for the adequate participation of the child ~~juvenile sexual~~
441 ~~offender~~ in the services or treatment delineated in the case
442 plan, the case manager may recommend that the department:

443 (a) Close the case;

444 (b) Refer the case to mediation or arbitration, if
445 available; or

446 (c) Notify the appropriate law enforcement agency of
447 failure to comply.

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

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

454 39.401 Taking a child alleged to be dependent into custody;
455 law enforcement officers and authorized agents of the
456 department.--

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

459 (a) Release the child to:

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

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



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463 3. A responsible adult relative or the adoptive parent of
464 the child's sibling who shall be given priority consideration
465 over a nonrelative placement when this is in the best interests
466 of the child; or

467 4. A responsible adult approved by the department; or

468 (b) Deliver the child to an authorized agent of the
469 department, stating the facts by reason of which the child was
470 taken into custody and sufficient information to establish
471 probable cause that the child is abandoned, abused, or neglected,
472 or otherwise dependent.

473

474 For cases involving allegations of abandonment, abuse, or
475 neglect, or other dependency cases, within 3 days after such
476 release or within 3 days after delivering the child to an
477 authorized agent of the department, the law enforcement officer
478 who took the child into custody shall make a full written report
479 to the department.

480 (3) If the child is taken into custody by, or is delivered
481 to, an authorized agent of the department, the ~~authorized~~ agent
482 shall review the facts supporting the removal with an attorney
483 representing the department. The purpose of the ~~this~~ review is
484 ~~shall be~~ to determine whether there is probable cause ~~exists~~ for
485 the filing of a shelter petition.

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

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



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493 representing the department shall request that a shelter hearing
494 be held within ~~as quickly as possible, not to exceed~~ 24 hours
495 after the removal of the child. While awaiting the shelter
496 hearing, the authorized agent of the department may place the
497 child in licensed shelter care or may release the child to a
498 parent or legal custodian or responsible adult relative or the
499 adoptive parent of the child's sibling who shall be given
500 priority consideration over a licensed placement, or a
501 responsible adult approved by the department if ~~when~~ this is in
502 the best interests of the child. ~~Any~~ Placement of a child which
503 is not in a licensed shelter must be preceded by a criminal
504 history records check as required under s. 39.0138 ~~local and~~
505 ~~state criminal records check, as well as a search of the~~
506 ~~department's automated abuse information system, on all members~~
507 ~~of the household, to assess the child's safety within the home.~~
508 In addition, the department may authorize placement of a
509 housekeeper/homemaker in the home of a child alleged to be
510 dependent until the parent or legal custodian assumes care of the
511 child.

512 (5) Judicial review and approval is required within 24
513 hours after placement for all nonrelative placements. A
514 nonrelative placement must be for a specific and predetermined
515 period of time, not to exceed 12 months, and shall be reviewed by
516 the court at least every 6 months. If the nonrelative placement
517 continues for longer than 12 months, the department shall request
518 the court to establish permanent guardianship or require that the
519 nonrelative seek licensure as a foster care provider within 30
520 days after the court decision. Failure to establish permanent
521 guardianship or obtain licensure does not require the court to



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522 | change a child's placement unless it is in the best interest of
523 | the child to do so.

524 | Section 9. Subsection (17) of section 39.502, Florida
525 | Statutes, is amended to read:

526 | 39.502 Notice, process, and service.--

527 | (17) The parent or legal custodian of the child, the
528 | attorney for the department, the guardian ad litem, the foster or
529 | preadoptive parents, and all other parties and participants shall
530 | be given reasonable notice of all proceedings and hearings
531 | provided for under this part. All foster or preadoptive parents
532 | must be provided with at least 72 hours' notice, verbally or in
533 | writing, of all proceedings or hearings relating to children in
534 | their care or children they are seeking to adopt to ensure the
535 | ability to provide input to the court.

536 | Section 10. Subsection (6) of section 39.503, Florida
537 | Statutes, is amended to read:

538 | 39.503 Identity or location of parent unknown; special
539 | procedures.--

540 | (6) The diligent search required by subsection (5) must
541 | include, at a minimum, inquiries of all relatives of the parent
542 | or prospective parent made known to the petitioner, inquiries of
543 | all offices of program areas of the department likely to have
544 | information about the parent or prospective parent, inquiries of
545 | other state and federal agencies likely to have information about
546 | the parent or prospective parent, inquiries of appropriate
547 | utility and postal providers, a thorough search of at least one
548 | electronic database specifically designed for locating persons,
549 | and inquiries of appropriate law enforcement agencies. Pursuant
550 | to s. 453 of the Social Security Act, 42 U.S.C. s. 653(c)(4), the
551 | department, as the state agency administering Titles IV-B and IV-



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

554 Section 11. Section 39.504, Florida Statutes, is amended to
555 read:

556 39.504 Injunction pending disposition of petition;
557 penalty.--

558 (1) ~~(a)~~ At any time after a protective investigation has
559 been initiated pursuant to part III of this chapter ~~When a~~
560 ~~petition for shelter placement or a petition for dependency has~~
561 ~~been filed or when a child has been taken into custody and~~
562 ~~reasonable cause, as defined in paragraph (b), exists,~~ the court,
563 upon the request of the department, a law enforcement officer,
564 the state attorney, or other responsible person, or upon its own
565 motion, may, if there is reasonable cause, ~~shall have the~~
566 ~~authority to~~ issue an injunction to prevent any act of child
567 abuse ~~or any unlawful sexual offense involving a child.~~

568 ~~(b)~~ Reasonable cause for the issuance of an injunction
569 exists if there is evidence of child abuse ~~or an unlawful sexual~~
570 ~~offense involving a child~~ or if there is a reasonable likelihood
571 of such abuse ~~or offense~~ occurring based upon a recent overt act
572 or failure to act.

573 (2) Notice shall be provided to the parties as set forth in
574 the Florida Rules of Juvenile Procedure, unless the child is
575 reported to be in imminent danger, in which case the court may
576 issue an injunction immediately. A judge may issue an emergency
577 injunction pursuant to this section without notice if at times
578 ~~when~~ the court is closed for the transaction of judicial
579 business. If ~~When such~~ an immediate injunction is issued, the
580 court must ~~shall~~ hold a hearing on the next day of judicial
581 business ~~either~~ to dissolve the injunction or to continue or



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582 modify it in accordance with ~~the other provisions of this~~
583 section.

584 (3) ~~(a)~~ If in every instance in which an injunction is
585 issued under this section, the primary purpose of the injunction
586 must be ~~shall be primarily~~ to protect and promote the best
587 interests of the child, taking the preservation of the child's
588 immediate family into consideration. ~~The effective period of the~~
589 ~~injunction shall be determined by the court, except that the~~
590 ~~injunction will expire at the time of the disposition of the~~
591 ~~petition for shelter placement or dependency.~~

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

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

599 2. Participate in a specialized treatment program.

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

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

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

605 6. Pay temporary support for the child or other family
606 members; the costs of medical, psychiatric, and psychological
607 treatment for the child ~~victim~~ incurred as a result of the
608 offenses; and similar costs for other family members.

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

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



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612 1. Awarding the exclusive use and possession of the
613 dwelling to the caregiver or excluding the alleged or actual
614 offender from the residence of the caregiver.

615 2. Awarding temporary custody of the child to the
616 caregiver.

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

621
622 This paragraph does not preclude the adult victim of domestic
623 violence from seeking protection under s. 741.30.

624 (c) The terms of the injunction shall remain in effect
625 until modified or dissolved by the court. The petitioner,
626 respondent, or caregiver may move at any time to modify or
627 dissolve the injunction. The injunction is valid and enforceable
628 in all counties in the state.

629 (4) Service of process on the respondent shall be carried
630 out pursuant to s. 741.30. The department shall deliver a copy of
631 any injunction issued pursuant to this section ~~shall be delivered~~
632 to the protected party, or to a parent, ~~or~~ caregiver, or
633 individual acting in the place of a parent who is not the
634 respondent, and to any law enforcement agency having jurisdiction
635 to enforce such injunction. Law enforcement officers may exercise
636 their arrest powers as provided in s. 901.15(6) to enforce the
637 terms of the injunction. ~~Upon delivery of the injunction to the~~
638 appropriate law enforcement agency, the agency shall have the
639 duty and responsibility to enforce the injunction.

640 (5) Any person who fails to comply with an injunction
641 issued pursuant to this section commits ~~is guilty of~~ a



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642 | misdemeanor of the first degree, punishable as provided in s.
643 | 775.082 or s. 775.083.

644 | Section 12. Subsection (7) of section 39.507, Florida
645 | Statutes, is amended to read:

646 | 39.507 Adjudicatory hearings; orders of adjudication.--

647 | (7)(a) For as long as a court maintains jurisdiction over a
648 | dependency case, only one order adjudicating each child in the
649 | case dependent shall be entered. This order establishes the legal
650 | status of the child for purposes of proceedings under this
651 | chapter and may be based on the conduct of one parent, both
652 | parents, or a legal custodian.

653 | (b) However, the court must determine whether each parent
654 | or legal custodian identified in the case abused, abandoned, or
655 | neglected the child in a subsequent evidentiary hearing. If the
656 | evidentiary hearing is conducted subsequent to the adjudication
657 | of the child, the court shall supplement the adjudicatory order,
658 | disposition order, and the case plan, as necessary. With the
659 | exception of proceedings pursuant to s. 39.811, the child's
660 | dependency status may not be retried or readjudicated.

661 | (c) If a court adjudicates a child dependent and the child
662 | is in out-of-home care, the court shall inquire of the parent or
663 | parents whether the parents have relatives who might be
664 | considered as a placement for the child. The court shall advise
665 | the parents that, if the parents fail to substantially comply
666 | with the case plan, their parental rights may be terminated and
667 | that the child's out-of-home placement may become permanent. The
668 | parent or parents shall provide to the court and all parties
669 | identification and location information of the relatives.



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670 Section 13. Paragraphs (a) and (f) of subsection (1) and
671 paragraph (c) of subsection (3) of section 39.521, Florida
672 Statutes, are amended to read:

673 39.521 Disposition hearings; powers of disposition.--

674 (1) A disposition hearing shall be conducted by the court,
675 if the court finds that the facts alleged in the petition for
676 dependency were proven in the adjudicatory hearing, or if the
677 parents or legal custodians have consented to the finding of
678 dependency or admitted the allegations in the petition, have
679 failed to appear for the arraignment hearing after proper notice,
680 or have not been located despite a diligent search having been
681 conducted.

682 (a) A written case plan and a predisposition study prepared
683 by an authorized agent of the department must be filed with the
684 court, ~~and~~ served upon the parents of the child, provided to the
685 representative of the guardian ad litem program, if the program
686 has been appointed, and provided to all other parties, not less
687 than 72 hours before the disposition hearing. All such case plans
688 must be approved by the court. If the court does not approve the
689 case plan at the disposition hearing, the court must set a
690 hearing within 30 days after the disposition hearing to review
691 and approve the case plan. The court may grant an exception to
692 the requirement for a predisposition study by separate order or
693 within the judge's order of disposition upon finding that all the
694 family and child information required by subsection (2) is
695 available in other documents filed with the court.

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



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700 the child is necessary to protect the child. If the child is ~~has~~
701 ~~been~~ removed before the disposition hearing, the order must also
702 include a written determination as to whether, after removal, the
703 department ~~has~~ made a reasonable effort to reunify the parent and
704 child, ~~if reasonable efforts are required~~. Reasonable efforts to
705 reunify are not required if the court finds ~~has found~~ that any of
706 the acts listed in s. 39.806(1)(f)-(l) ~~s. 39.806(1)(f)-(i)~~ have
707 occurred. The department has the burden of demonstrating that it
708 ~~has~~ made reasonable efforts ~~under this paragraph~~.

709 1. For the purposes of this paragraph, the term "reasonable
710 effort" means the exercise of reasonable diligence and care by
711 the department to provide the services ordered by the court or
712 delineated in the case plan.

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

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

717 b. If prevention or reunification efforts were indicated,
718 include a brief written description of what appropriate and
719 available prevention and reunification efforts were made.

720 c. Indicate in writing why further efforts could or could
721 not have prevented or shortened the separation of the parent and
722 child.

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

726 a. The first contact of the department with the family
727 occurs during an emergency;

728 b. The appraisal by the department of the home situation
729 indicates ~~that it presents~~ a substantial and immediate danger to



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730 the child's safety or physical, mental, or emotional health which
731 cannot be mitigated by the provision of preventive services;

732 c. The child cannot safely remain at home, ~~either~~ because
733 there are no preventive services that can ensure the health and
734 safety of the child or, even with appropriate and available
735 services being provided, the health and safety of the child
736 cannot be ensured; or

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

740 4. A reasonable effort by the department for reunification
741 ~~of the parent and child~~ has been made if the appraisal of the
742 home situation by the department indicates that the severity of
743 the conditions of dependency is such that reunification efforts
744 are inappropriate. The department has the burden of demonstrating
745 to the court that reunification efforts were inappropriate.

746 5. If the court finds that the prevention or reunification
747 effort of the department would not have permitted the child to
748 remain safely at home, the court may commit the child to the
749 temporary legal custody of the department or take any other
750 action authorized by this chapter.

751 (3) When any child is adjudicated by a court to be
752 dependent, the court shall determine the appropriate placement
753 for the child as follows:

754 (c) If no fit parent is willing or available to assume care
755 and custody of the child, place the child in the temporary legal
756 custody of an adult relative, the adoptive parent of the child's
757 sibling, or another ~~other~~ adult approved by the court who is
758 willing to care for the child, under the protective supervision
759 of the department. The department must supervise this placement



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760 | until the child reaches permanency status in this home, and in no
761 | case for a period of less than 6 months. Permanency in a relative
762 | placement shall be by adoption, long-term custody, or
763 | guardianship.

764 |
765 | Protective supervision continues until the court terminates it or
766 | until the child reaches the age of 18, whichever date is first.
767 | Protective supervision shall be terminated by the court whenever
768 | the court determines that permanency has been achieved for the
769 | child, whether with a parent, another relative, or a legal
770 | custodian, and that protective supervision is no longer needed.
771 | The termination of supervision may be with or without retaining
772 | jurisdiction, at the court's discretion, and shall in either case
773 | be considered a permanency option for the child. The order
774 | terminating supervision by the department shall set forth the
775 | powers of the custodian of the child and shall include the powers
776 | ordinarily granted to a guardian of the person of a minor unless
777 | otherwise specified. Upon the court's termination of supervision
778 | by the department, no further judicial reviews are required, so
779 | long as permanency has been established for the child.

780 | Section 14. Subsection (5) of section 39.701, Florida
781 | Statutes, is amended to read:

782 | 39.701 Judicial review.--

783 | (5) Notice of a judicial review hearing or a citizen review
784 | panel hearing, and a copy of the motion for judicial review, if
785 | any, must be served by the clerk of the court upon all of the
786 | following persons, if available to be served, regardless of
787 | whether the person was present at the previous hearing at which
788 | the date, time, and location of the hearing was announced:



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

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

794 (c) The parents.

795 (d) The guardian ad litem for the child, or the
796 representative of the guardian ad litem program if the program
797 has been appointed.

798 (e) The attorney for the child.

799 (f) The child, if the child is 13 years of age or older.

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

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

803

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

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

810 39.8055 Requirement to file a petition to terminate
811 parental rights; exceptions.--

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

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

816 (b) A petition for termination of parental rights has not
817 otherwise been filed, and the child has been in out-of-home care
818 under the responsibility of the state for 12 ~~15~~ of the most



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819 recent 22 months, calculated on a cumulative basis, but not
820 including any trial home visits or time during which the child
821 was a runaway;

822 (c) A parent has been convicted of the murder ~~of the other~~
823 ~~parent~~, manslaughter ~~of the other parent~~, aiding or abetting the
824 murder, or conspiracy or solicitation to murder the other parent
825 or another child of the parent, or a felony battery that resulted
826 in serious bodily injury to the child or to another ~~any other~~
827 child of the parent; or

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

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

834 39.806 Grounds for termination of parental rights.--

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

837 (e) When a child has been adjudicated dependent, a case
838 plan has been filed with the court, and:

839 1. The child continues to be abused, neglected, or
840 abandoned by the parent or parents. ~~In this case~~, The failure of
841 the parent or parents to substantially comply with the case plan
842 for a period of 9 ~~12~~ months after an adjudication of the child as
843 a dependent child or the child's placement into shelter care,
844 whichever occurs ~~came~~ first, constitutes evidence of continuing
845 abuse, neglect, or abandonment unless the failure to
846 substantially comply with the case plan was due ~~either~~ to the
847 parent's lack of financial resources ~~of the parents~~ or to the
848 failure of the department to make reasonable efforts to reunify



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849 the parent and child. The 9-month ~~12-month~~ period begins to run
850 only after the child's placement into shelter care or the entry
851 of a disposition order placing the custody of the child with the
852 department or a person other than the parent and the court's
853 approval ~~by the court~~ of a case plan having the ~~with a~~ goal of
854 reunification with the parent, whichever occurs ~~came~~ first; ~~or~~

855 2. The parent or parents have ~~has~~ materially breached the
856 case plan ~~by making it unlikely that he or she will be able to~~
857 ~~substantially comply with the case plan before the time for~~
858 ~~compliance expires~~. Time is of the essence for permanency of
859 children in the dependency system. In order to prove the parent
860 or parents have ~~has~~ materially breached the case plan, the court
861 must find by clear and convincing evidence that the parent or
862 parents are ~~is~~ unlikely or unable to substantially comply with
863 the case plan before time ~~expires~~ to comply with the case plan
864 expires.

865 (f) ~~When~~ The parent or parents engaged in egregious conduct
866 or had the opportunity and capability to prevent and knowingly
867 failed to prevent egregious conduct that threatens the life,
868 safety, or physical, mental, or emotional health of the child or
869 the child's sibling.

870 1. As used in this subsection, the term "sibling" means
871 another child who resides with or is cared for by the parent or
872 parents regardless of whether the child is related legally or by
873 consanguinity.

874 2. As used in this subsection, the term "egregious conduct"
875 means abuse, abandonment, neglect, or any other conduct ~~of the~~
876 ~~parent or parents~~ that is deplorable, flagrant, or outrageous by
877 a normal standard of conduct. Egregious conduct may include an
878 act or omission that occurred only once but was of such



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879 intensity, magnitude, or severity as to endanger the life of the
880 child.

881 (g) ~~When~~ The parent or parents have subjected the child or
882 another child to aggravated child abuse as defined in s. 827.03,
883 sexual battery or sexual abuse as defined in s. 39.01, or chronic
884 abuse.

885 (h) ~~When~~ The parent or parents have committed the murder,
886 manslaughter, aiding or abetting the murder, or conspiracy or
887 solicitation to murder the other parent or another child, or a
888 felony battery that resulted in serious bodily injury to the
889 child or to another child ~~committed murder or voluntary~~
890 ~~manslaughter of another child, or a felony assault that results~~
891 ~~in serious bodily injury to the child or another child, or aided~~
892 ~~or abetted, attempted, conspired, or solicited to commit such a~~
893 ~~murder or voluntary manslaughter or felony assault.~~

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

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

902 (k) A test administered at birth that indicated that the
903 child's blood, urine, or meconium contained any amount of alcohol
904 or a controlled substance or metabolites of such substances, the
905 presence of which was not the result of medical treatment
906 administered to the mother or the newborn infant, and the
907 biological mother of the child is the biological mother of at
908 least one other child who was adjudicated dependent after a



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909 finding of harm to the child's health or welfare due to exposure
910 to a controlled substance or alcohol as defined in s.
911 39.01(31)(g), after which the biological mother had the
912 opportunity to participate in substance abuse treatment.

913 (1) On three or more occasions the child or another child
914 of the parent or parents has been placed in out-of-home care
915 pursuant to this chapter, and the conditions that led to the
916 child's out-of-home placement were caused by the parent or
917 parents.

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

922 (3) If ~~When~~ a petition for termination of parental rights
923 is filed under subsection (1), a separate petition for dependency
924 need not be filed and the department need not offer the parents a
925 case plan having ~~with~~ a goal of reunification, but may instead
926 file with the court a case plan having ~~with~~ a goal of termination
927 of parental rights to allow continuation of services until the
928 termination is granted or until further orders of the court are
929 issued.

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

935 Section 17. Subsection (4) of section 322.142, Florida
936 Statutes, is amended to read:

937 322.142 Color photographic or digital imaged licenses.--



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938 (4) The department may maintain a film negative or print
939 file. The department shall maintain a record of the digital image
940 and signature of the licensees, together with other data required
941 by the department for identification and retrieval. Reproductions
942 from the file or digital record are exempt from the provisions of
943 s. 119.07(1) and shall be made and issued only for departmental
944 administrative purposes; for the issuance of duplicate licenses;
945 in response to law enforcement agency requests; to the Department
946 of State pursuant to an interagency agreement to facilitate
947 determinations of eligibility of voter registration applicants
948 and registered voters in accordance with ss. 98.045 and 98.075;
949 to the Department of Revenue pursuant to an interagency agreement
950 for use in establishing paternity and establishing, modifying, or
951 enforcing support obligations in Title IV-D cases; to the
952 Department of Children and Family Services pursuant to an
953 interagency agreement to conduct protective investigations under
954 part III of chapter 39; or to the Department of Financial
955 Services pursuant to an interagency agreement to facilitate the
956 location of owners of unclaimed property, the validation of
957 unclaimed property claims, and the identification of fraudulent
958 or false claims, and are exempt from the provisions of s.
959 119.07(1).

960 Section 18. Section 402.401, Florida Statutes, is amended
961 to read:

962 402.401 Florida Child Welfare Student Loan Forgiveness
963 Program.--

964 ~~(1)~~ There is created the Florida Child Welfare Student Loan
965 Forgiveness Program to be administered by the Department of
966 Children and Family Services Education. The program shall provide
967 loan reimbursement assistance to eligible employees in child



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968 welfare positions that are critical to the department's mission,
969 as determined by the department, and that are within the
970 department, sheriff's offices, or contracted community-based care
971 agencies ~~students for upper-division undergraduate and graduate~~
972 ~~study. The primary purpose of the program is to attract capable~~
973 ~~and promising students to the child welfare profession, increase~~
974 ~~employment and retention of individuals who are working towards~~
975 ~~or who have received either a bachelor's degree or a master's~~
976 ~~degree in social work, or any human services subject area that~~
977 ~~qualifies the individual for employment as a family services~~
978 ~~worker, and provide opportunities for persons making midcareer~~
979 ~~decisions to enter the child welfare profession. The State Board~~
980 ~~of Education shall adopt rules necessary to administer the~~
981 ~~program.~~

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

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

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

995 3. ~~If applying for an undergraduate forgivable loan, have~~
996 ~~maintained a minimum cumulative grade point average of at least a~~
997 ~~2.5 on a 4.0 scale for all undergraduate work. Renewal applicants~~



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998 ~~for undergraduate loans shall have maintained a minimum~~
999 ~~cumulative grade point average of at least a 2.5 on a 4.0 scale~~
1000 ~~for all undergraduate work and have earned at least 12 semester~~
1001 ~~credits per term, or the equivalent.~~

1002 ~~4. If applying for a graduate forgivable loan, have~~
1003 ~~maintained an undergraduate cumulative grade point average of at~~
1004 ~~least a 3.0 on a 4.0 scale or have attained a Graduate Record~~
1005 ~~Examination score of at least 1,000. Renewal applicants for~~
1006 ~~graduate loans shall have maintained a minimum cumulative grade~~
1007 ~~point average of at least a 3.0 on a 4.0 scale for all graduate~~
1008 ~~work and have earned at least 9 semester credits per term, or the~~
1009 ~~equivalent.~~

1010 ~~(b) An undergraduate forgivable loan may be awarded for 2~~
1011 ~~undergraduate years, not to exceed \$4,000 per year.~~

1012 ~~(c) A graduate forgivable loan may be awarded for 2~~
1013 ~~graduate years, not to exceed \$8,000 per year. In addition to~~
1014 ~~meeting criteria specified in paragraph (a), a loan recipient at~~
1015 ~~the graduate level shall:~~

1016 ~~1. Hold a bachelor's degree from a school or department of~~
1017 ~~social work at any college or university accredited by the~~
1018 ~~Council on Social Work Education, or hold a degree in a human~~
1019 ~~services field from an accredited college or university.~~

1020 ~~2. Not have received an undergraduate forgivable loan as~~
1021 ~~provided for in paragraph (b).~~

1022 ~~(d) The State Board of Education shall adopt by rule~~
1023 ~~repayment schedules and applicable interest rates under ss.~~
1024 ~~1009.82 and 1009.95. A forgivable loan must be repaid within 10~~
1025 ~~years after completion of a program of studies.~~

1026 ~~1. Credit for repayment of an undergraduate or graduate~~
1027 ~~forgivable loan shall be in an amount not to exceed \$4,000 in~~



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1028 ~~loan principal plus applicable accrued interest for each full~~
1029 ~~year of eligible service in the child welfare profession.~~

1030 ~~2. Any forgivable loan recipient who fails to work at the~~
1031 ~~Department of Children and Family Services or its successor, or~~
1032 ~~with an eligible lead community-based provider as defined in s.~~
1033 ~~409.1671, is responsible for repaying the loan plus accrued~~
1034 ~~interest at 8 percent annually.~~

1035 ~~3. Forgivable loan recipients may receive loan repayment~~
1036 ~~credit for child welfare service rendered at any time during the~~
1037 ~~scheduled repayment period. However, such repayment credit shall~~
1038 ~~be applicable only to the current principal and accrued interest~~
1039 ~~balance that remains at the time the repayment credit is earned.~~
1040 ~~No loan recipient shall be reimbursed for previous cash payments~~
1041 ~~of principal and interest.~~

1042 ~~(3)~~ This section shall be implemented only as specifically
1043 funded.

1044 Section 19. Paragraphs (h) and (j) of subsection (1) of
1045 section 409.1671, Florida Statutes, are amended to read:

1046 409.1671 Foster care and related services; outsourcing.--

1047 (1)

1048 (h) Other than an entity to which s. 768.28 applies, any
1049 eligible lead community-based provider, as defined in paragraph
1050 (e), or its employees or officers, except as otherwise provided
1051 in paragraph (i), must, as a part of its contract, obtain a
1052 minimum of \$1 million per claim/\$3 million per incident in
1053 general liability insurance coverage. The eligible lead
1054 community-based provider must also require that staff who
1055 transport client children and families in their personal
1056 automobiles in order to carry out their job responsibilities
1057 obtain minimum bodily injury liability insurance in the amount of



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1058 \$100,000 per claim, \$300,000 per incident, on their personal
1059 automobiles. In lieu of personal motor vehicle insurance, the
1060 lead community-based provider's casualty, liability, or motor
1061 vehicle insurance carrier may provide nonowned automobile
1062 liability coverage. This insurance provides liability insurance
1063 for automobiles that the provider uses in connection with the
1064 provider's business but does not own, lease, rent, or borrow.
1065 This coverage includes automobiles owned by the employees of the
1066 provider or a member of the employee's household but only while
1067 the automobiles are used in connection with the provider's
1068 business. The nonowned automobile coverage for the provider
1069 applies as excess coverage over any other collectible insurance.
1070 The personal automobile policy for the employee of the provider
1071 shall be primary insurance and the nonowned automobile coverage
1072 of the provider acts as excess insurance to the primary
1073 insurance. The provider shall provide a minimum limit of \$1
1074 million in nonowned automobile coverage. In any tort action
1075 brought against such an eligible lead community-based provider or
1076 employee, net economic damages shall be limited to \$1 million per
1077 liability claim and \$100,000 per automobile claim, including, but
1078 not limited to, past and future medical expenses, wage loss, and
1079 loss of earning capacity, offset by any collateral source payment
1080 paid or payable. In any tort action brought against such an
1081 eligible lead community-based provider, noneconomic damages shall
1082 be limited to \$200,000 per claim. A claims bill may be brought on
1083 behalf of a claimant pursuant to s. 768.28 for any amount
1084 exceeding the limits specified in this paragraph. Any offset of
1085 collateral source payments made as of the date of the settlement
1086 or judgment shall be in accordance with s. 768.76. The lead
1087 community-based provider shall not be liable in tort for the acts



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1088 or omissions of its subcontractors or the officers, agents, or
1089 employees of its subcontractors.

1090 (j) Any subcontractor of an eligible lead community-based
1091 provider, as defined in paragraph (e), which is a direct provider
1092 of foster care and related services to children and families, and
1093 its employees or officers, except as otherwise provided in
1094 paragraph (i), must, as a part of its contract, obtain a minimum
1095 of \$1 million per claim/\$3 million per incident in general
1096 liability insurance coverage. The subcontractor of an eligible
1097 lead community-based provider must also require that staff who
1098 transport client children and families in their personal
1099 automobiles in order to carry out their job responsibilities
1100 obtain minimum bodily injury liability insurance in the amount of
1101 \$100,000 per claim, \$300,000 per incident, on their personal
1102 automobiles. In lieu of personal motor vehicle insurance, the
1103 subcontractor's casualty, liability, or motor vehicle insurance
1104 carrier may provide nonowned automobile liability coverage. This
1105 insurance provides liability insurance for automobiles that the
1106 subcontractor uses in connection with the subcontractor's
1107 business but does not own, lease, rent, or borrow. This coverage
1108 includes automobiles owned by the employees of the subcontractor
1109 or a member of the employee's household but only while the
1110 automobiles are used in connection with the subcontractor's
1111 business. The nonowned automobile coverage for the subcontractor
1112 applies as excess coverage over any other collectible insurance.
1113 The personal automobile policy for the employee of the
1114 subcontractor shall be primary insurance and the nonowned
1115 automobile coverage of the subcontractor acts as excess insurance
1116 to the primary insurance. The subcontractor shall provide a
1117 minimum limit of \$1 million in nonowned automobile coverage. In



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1118 any tort action brought against such subcontractor or employee,
1119 net economic damages shall be limited to \$1 million per liability
1120 claim and \$100,000 per automobile claim, including, but not
1121 limited to, past and future medical expenses, wage loss, and loss
1122 of earning capacity, offset by any collateral source payment paid
1123 or payable. In any tort action brought against such
1124 subcontractor, noneconomic damages shall be limited to \$200,000
1125 per claim. A claims bill may be brought on behalf of a claimant
1126 pursuant to s. 768.28 for any amount exceeding the limits
1127 specified in this paragraph. Any offset of collateral source
1128 payments made as of the date of the settlement or judgment shall
1129 be in accordance with s. 768.76.

1130 Section 20. Paragraph (a) of subsection (4) of section
1131 409.175, Florida Statutes, is amended to read:

1132 409.175 Licensure of family foster homes, residential
1133 child-caring agencies, and child-placing agencies; public records
1134 exemption.--

1135 (4) (a) A person, family foster home, or residential child-
1136 caring agency may ~~shall~~ not provide ~~receive a child for~~
1137 continuing full-time child care or custody unless such person,
1138 home, or agency has first procured a license from the department
1139 to provide such care. This requirement does not apply to a person
1140 who is a relative of the child by blood, marriage, or adoption,
1141 ~~or to a~~ permanent legal guardian established under s. 39.6221, a
1142 ~~person who has received the child from the department,~~ a licensed
1143 child-placing agency, or an intermediary for the purposes of
1144 adoption pursuant to chapter 63.

1145 Section 21. Subsection (3) of section 787.04, Florida
1146 Statutes, is amended to read:



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1147 787.04 Removing minors from state or concealing minors
1148 contrary to state agency order or court order.--

1149 (3) It is unlawful for any person, ~~with criminal intent,~~ to
1150 knowingly and willfully lead, take, entice, or remove a minor
1151 beyond the limits of this state, or to knowingly and willfully
1152 conceal the location of a minor, during the pendency of a
1153 dependency proceeding affecting such minor or during the pendency
1154 of any investigation, action, or proceeding concerning the
1155 alleged abuse or neglect of such minor, after having received
1156 actual or constructive notice of the pendency of such
1157 investigation, action, or proceeding and without the permission
1158 of the state agency or court in which the investigation, action,
1159 or proceeding is pending.

1160 Section 22. Subsection (1) of section 937.021, Florida
1161 Statutes, is amended to read:

1162 937.021 Missing child reports.--

1163 (1) Upon the filing of a police report that a child is
1164 missing by the parent or guardian, the Department of Children and
1165 Family Services, a community-based care provider, or a sheriff's
1166 office providing investigative services for the department, the
1167 law enforcement agency receiving the report shall immediately
1168 inform all on-duty law enforcement officers of the ~~existence of~~
1169 ~~the~~ missing child report, communicate the report to every other
1170 law enforcement agency having jurisdiction in the county, and
1171 transmit the report for inclusion within the Florida Crime
1172 Information Center computer. A law enforcement agency may not
1173 require a reporter to present an order that a child be taken into
1174 custody or any other such order before accepting a report that a
1175 child is missing.



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1176 Section 23. Effective upon this act becoming a law and
1177 operating retroactively to June 29, 2008, subsection (3) of
1178 section 1 of chapter 2007-174, Laws of Florida, is amended to
1179 read:

1180 (3) This section expires June 30, 2009 ~~2008~~.

1181 Section 24. Paragraph (b) of subsection (3) of section
1182 39.0015, Florida Statutes, is amended to read:

1183 39.0015 Child abuse prevention training in the district
1184 school system.--

1185 (3) DEFINITIONS.--As used in this section:

1186 (b) "Child abuse" means abandonment, abuse, harm, mental
1187 injury, neglect, physical injury, or sexual abuse of a child as
1188 those terms are defined in s. 39.01 ~~those acts as defined in ss.~~
1189 ~~39.01(1), (2), (31), (41), (43), (55), and (66), 827.04, and~~
1190 984.03 ~~984.03(1), (2), and (37)~~.

1191 Section 25. Subsection (5) of section 39.205, Florida
1192 Statutes, is amended to read:

1193 39.205 Penalties relating to reporting of child abuse,
1194 abandonment, or neglect.--

1195 (5) If the department or its authorized agent has
1196 determined after its investigation that a report is false, the
1197 department shall, with the consent of the alleged perpetrator,
1198 refer the report to the local law enforcement agency having
1199 jurisdiction for an investigation to determine whether sufficient
1200 evidence exists to refer the case for prosecution for filing a
1201 false report as defined in s. 39.01 ~~s. 39.01(28)~~. During the
1202 pendency of the investigation ~~by the local law enforcement~~
1203 ~~agency~~, the department must notify the local law enforcement
1204 agency of, and the local law enforcement agency must respond to,
1205 all subsequent reports concerning children in that same family in



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1206 accordance with s. 39.301. If the law enforcement agency believes
1207 that there are indicators of abuse, abandonment, or neglect, it
1208 must immediately notify the department, which must ensure ~~assure~~
1209 the safety of the children. If the law enforcement agency finds
1210 sufficient evidence for prosecution for filing a false report, it
1211 must refer the case to the appropriate state attorney for
1212 prosecution.

1213 Section 26. Subsection (1) of section 39.302, Florida
1214 Statutes, is amended to read:

1215 39.302 Protective investigations of institutional child
1216 abuse, abandonment, or neglect.--

1217 (1) The department shall conduct a child protective
1218 investigation of each report of institutional child abuse,
1219 abandonment, or neglect. Upon receipt of a report that alleges
1220 that an employee or agent of the department, or any other entity
1221 or person covered by s. 39.01(33) or (47) ~~s. 39.01(32) or (46)~~,
1222 acting in an official capacity, has committed an act of child
1223 abuse, abandonment, or neglect, the department shall initiate a
1224 child protective investigation within the timeframe established
1225 ~~by the central abuse hotline~~ under s. 39.201(5) and orally notify
1226 the appropriate state attorney, law enforcement agency, and
1227 licensing agency, which. ~~These agencies~~ shall immediately conduct
1228 a joint investigation, unless independent investigations are more
1229 feasible. When conducting investigations onsite or having face-
1230 to-face interviews with the child, ~~such~~ investigation visits
1231 shall be unannounced unless it is determined by the department or
1232 its agent that ~~the~~ unannounced visits ~~would~~ threaten the safety
1233 of the child. If ~~When~~ a facility is exempt from licensing, the
1234 department shall inform the owner or operator of the facility of
1235 the report. Each agency conducting a joint investigation is



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1236 entitled to full access to the information gathered by the
1237 department in the course of the investigation. A protective
1238 investigation must include an onsite visit of the child's place
1239 of residence. ~~In all cases,~~ The department shall make a full
1240 written report to the state attorney within 3 working days after
1241 making the oral report. A criminal investigation shall be
1242 coordinated, whenever possible, with the child protective
1243 investigation of the department. Any interested person who has
1244 information regarding the offenses described in this subsection
1245 may forward a statement to the state attorney as to whether
1246 prosecution is warranted and appropriate. Within 15 days after
1247 the completion of the investigation, the state attorney shall
1248 report the findings to the department and shall include in the
1249 report a determination of whether or not prosecution is justified
1250 and appropriate in view of the circumstances of the specific
1251 case.

1252 Section 27. Paragraphs (b) and (c) of subsection (2) of
1253 section 39.6011, Florida Statutes, are amended to read:

1254 39.6011 Case plan development.--

1255 (2) The case plan must be written simply and clearly in
1256 English and, if English is not the principal language of the
1257 child's parent, to the extent possible in the parent's principal
1258 language. Each case plan must contain:

1259 (b) The permanency goal ~~as defined in s. 39.01(51)~~.

1260 (c) If concurrent planning is being used, a description of
1261 the permanency goal of reunification with the parent or legal
1262 custodian in addition to a description of one of the remaining
1263 permanency goals described in s. 39.01 ~~s. 39.01(51)~~.

1264 Section 28. Paragraph (e) of subsection (6) of section
1265 39.811, Florida Statutes, is amended to read:



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1266 39.811 Powers of disposition; order of disposition.--

1267 (6) The parental rights of one parent may be severed
1268 without severing the parental rights of the other parent only
1269 under the following circumstances:

1270 (e) If the parent whose rights are being terminated meets
1271 any of the criteria specified in s. 39.806(1)(d) and (f)-(1) ~~(f)-~~
1272 ~~(i)~~.

1273 Section 29. Paragraph (a) of subsection (1) of section
1274 39.828, Florida Statutes, is amended to read:

1275 39.828 Grounds for appointment of a guardian advocate.--

1276 (1) The court shall appoint the person named in the
1277 petition as a guardian advocate with all the powers and duties
1278 specified in s. 39.829 for an initial term of 1 year upon a
1279 finding that:

1280 (a) The child named in the petition is or was a drug
1281 dependent newborn as described in s. 39.01(32)(g) ~~s.~~
1282 ~~39.01(31)(g)~~;

1283 Section 30. Paragraph (d) of subsection (1) of section
1284 419.001, Florida Statutes, is amended to read:

1285 419.001 Site selection of community residential homes.--

1286 (1) For the purposes of this section, the following
1287 definitions shall apply:

1288 (d) "Resident" means any of the following: a frail elder as
1289 defined in s. 429.65; a physically disabled or handicapped person
1290 as defined in s. 760.22(7)(a); a developmentally disabled person
1291 as defined in s. 393.063; a nondangerous mentally ill person as
1292 defined in s. 394.455(18); or a child who is found to be
1293 dependent as defined in s. 39.01 or s.984.03, or a child in need
1294 of services as defined in s. 984.03 ~~s. 39.01(14), s. 984.03(9) or~~
1295 ~~(12)~~, or s. 985.03.



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1296 Section 31. Except as otherwise expressly provided in this
1297 act and except for this section, which shall take effect upon
1298 becoming a law, this act shall take effect July 1, 2008.

1299
1300 ===== T I T L E A M E N D M E N T =====

1301 And the title is amended as follows:

1302 Delete everything before the enacting clause
1303 and insert:

1304 A bill to be entitled
1305 An act relating to child protection; amending s. 39.01,
1306 F.S.; redefining the terms "abandoned" and "harm";
1307 defining the term "child who has exhibited inappropriate
1308 sexual behavior"; amending s. 39.0121, F.S.; authorizing
1309 the Department of Children and Family Services to adopt
1310 rules providing for locating and recovering missing
1311 children who are involved with the department; providing
1312 requirements for reports; amending s. 39.0138, F.S.;
1313 requiring a criminal history check of persons being
1314 considered for placement of a child to include a search of
1315 the department's automated abuse information system;
1316 authorizing the department to adopt rules establishing
1317 standards for evaluating such information; creating s.
1318 39.0141, F.S.; requiring the department, the community-
1319 based care provider, or sheriff's office to file a report
1320 following a determination that a child involved with the
1321 department is missing; amending s. 39.201, F.S.; revising
1322 provisions relating to reporting child abuse, abandonment,
1323 or neglect to the central abuse hotline to allow for
1324 reports by fax or web-based report; amending s. 39.301,
1325 F.S.; conforming provisions to changes made by the act;



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1326 providing certain exceptions to the requirements that a
1327 child protective investigation be closed within 60 days;
1328 amending s. 39.307, F.S.; revising provision relating to
1329 the provision of services to a child in cases of child-on-
1330 child sexual abuse to include a child who has exhibited
1331 inappropriate sexual behavior; amending s. 39.401, F.S.;
1332 requiring a law enforcement officer who takes a child into
1333 custody to release such child to an adoptive parent of the
1334 child's sibling; authorizing the department to release a
1335 child awaiting a shelter hearing to an adoptive parent of
1336 the child's sibling; requiring judicial approval for the
1337 placement of a child with a nonrelative; amending s.
1338 39.502, F.S.; providing for notice to foster or
1339 preadoptive parents of any hearings involving the child in
1340 their care; amending s. 39.503, F.S.; revising the minimum
1341 inquiries a petitioner for dependency or shelter must make
1342 in trying to locate an identified parent or prospective
1343 parent; amending s. 39.504, F.S.; revising procedures
1344 related to injunctions issued to protect a child;
1345 requiring that such injunctions remain in effect until
1346 modified or dissolved by the court; amending s. 39.507,
1347 F.S.; limiting a court to one order adjudicating
1348 dependency; providing for supplemental findings; amending
1349 s. 39.521, F.S.; providing an exception from the
1350 requirement for a predisposition study in dependency
1351 proceedings; conforming cross-references; authorizing the
1352 court to place a dependent child with the adoptive parent
1353 of the child's sibling if no fit parent is willing or
1354 available to assume care and custody; amending s. 39.701,
1355 F.S.; requiring that notice of a judicial review of a



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1356 child's status be served on certain persons regardless of
1357 whether they attended a prior hearing at which the hearing
1358 was announced; amending s. 39.8055, F.S.; revising
1359 provisions relating to filing a petition to terminate
1360 parental rights; expanding the grounds for terminating
1361 parental rights to include conviction for the murder,
1362 manslaughter, or conspiracy to murder another child of the
1363 parent; amending s. 39.806, F.S.; adding additional
1364 grounds for terminating parental rights; amending s.
1365 322.142, F.S.; authorizing the Department of Children and
1366 Family Services to be provided copies of driver's license
1367 files maintained by the Department of Highway Safety and
1368 Motor Vehicles for the purpose of conducting protective
1369 investigations; amending s. 402.401, F.S., relating to the
1370 Florida Child Welfare Student Loan Forgiveness Program;
1371 transferring administration of the program to the
1372 Department of Children and Family Services; amending s.
1373 409.1671, F.S.; providing that a community-based provider
1374 or a subcontractor of a community-based provider may
1375 provide nonowned automobile liability coverage in lieu of
1376 providing personal motor vehicle insurance; providing
1377 terms, conditions, and applicability for nonowned
1378 automobile insurance coverage; requiring a community-based
1379 provider or a subcontractor of a community-based provider
1380 to provide a minimum limit for nonowned automobile
1381 insurance coverage; amending s. 409.175, F.S.; revising
1382 requirements for licensure as a foster home or child-
1383 caring agency; deleting the exemption from licensure for
1384 persons who receive a child from the department;
1385 clarifying that a permanent guardian is exempt from



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1386 licensure; amending s. 787.04, F.S.; prohibiting a person
1387 from knowingly and willfully taking or removing a minor
1388 from the state or concealing the location of a minor
1389 during the pendency of a dependency proceeding or any
1390 other action concerning alleged abuse or neglect of the
1391 minor; amending s. 937.021, F.S.; requiring that a report
1392 of a missing child made by the department, a community-
1393 based care provider, or a sheriff's office be treated as a
1394 missing child report filed by a parent or guardian;
1395 prohibiting a law enforcement agency from requiring an
1396 order that a child be taken into custody or any other such
1397 order before accepting a missing child report for
1398 investigation; amending chapter 2007-174, Laws of Florida;
1399 extending the date for the repeal of provisions
1400 authorizing the reorganization of the Department of
1401 Children and Family Services; providing for retroactive
1402 application; amending ss. 39.0015, 39.205, 39.302,
1403 39.6011, 39.811, 39.828, and 419.001, F.S.; conforming
1404 cross-references; providing effective dates.