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1 A bill to be entitled
2 An act relating to child protection; amending s. 39.01,
3 F.S.; defining the term "child who has exhibited
4 inappropriate sexual behavior"; amending s. 39.0121, F.S.;
5 authorizing the Department of Children and Family Services
6 to adopt rules providing for reporting, locating,
7 recovering, and stabilizing missing children who are
8 involved with the department; amending s. 39.0138, F.S.;
9 specifying additional persons to be subject to a criminal
10 history records check prior to placement of a child;
11 requiring a criminal history records check of persons
12 being considered for placement of a child to include a
13 search of the department's automated abuse information
14 system; authorizing the department to adopt rules
15 establishing standards for evaluating such information;
16 creating s. 39.0141, F.S.; requiring the department, the
17 community-based care provider, or the appropriate law
18 enforcement agency to file a report following a
19 determination that a child involved with the department is
20 missing; amending s. 39.201, F.S.; providing for
21 additional methods to report suspected child abuse,
22 abandonment, and neglect of a child or to report a child
23 who has exhibited inappropriate sexual behavior; amending
24 s. 39.301, F.S.; conforming language relating to reporting
25 suspected child abuse, abandonment, and neglect; providing
26 certain exceptions to the requirements that a child
27 protective investigation be closed within 60 days;
28 amending s. 39.307, F.S.; revising provisions relating to

29 | the provision of services to a child in cases of child-on-
30 | child sexual abuse to include a child who has exhibited
31 | inappropriate sexual behavior; revising terminology;
32 | amending s. 39.401, F.S.; requiring judicial review and
33 | approval for the placement of a child with a nonrelative;
34 | providing conditions for and limitations on nonrelative
35 | placements; amending s. 39.502, F.S.; requiring certain
36 | notice to foster and preadoptive parents of any hearings
37 | involving the child in their care; amending s. 39.503,
38 | F.S.; revising procedures relating to diligent searches
39 | for missing parents and relatives; amending s. 39.504,
40 | F.S.; revising procedures related to injunctions pending
41 | disposition of petition issued to protect a child;
42 | requiring that such injunctions remain in effect until
43 | modified or dissolved by the court; providing additional
44 | conditions for an injunction to protect a child from
45 | domestic violence; providing for process of service;
46 | authorizing law enforcement officers to exercise certain
47 | arrest powers; amending s. 39.507, F.S.; limiting a court
48 | to one order adjudicating dependency; providing for
49 | supplemental findings; correcting a cross-reference;
50 | amending s. 39.521, F.S.; providing an exception from the
51 | requirement for a predisposition study in dependency
52 | proceedings; correcting cross-references; amending s.
53 | 39.701, F.S.; requiring that notice of a judicial review
54 | of a child's status be served on certain persons
55 | regardless of whether or not they attended a prior hearing
56 | at which the hearing was announced; amending s. 63.0541,

57 F.S.; permitting certain information contained in the
58 Florida Putative Father Registry to be disclosed to the
59 department; amending s. 322.142, F.S.; authorizing the
60 department to be provided copies of driver's license files
61 maintained by the Department of Highway Safety and Motor
62 Vehicles for the purpose of conducting protective
63 investigations and expediting the determination of
64 eligibility for public assistance; amending s. 402.401;
65 providing for administration of the Florida Child Welfare
66 Student Loan Forgiveness Program by the Department of
67 Children and Family Services rather than the Department of
68 Education; authorizing loan reimbursement to certain
69 eligible employees; revising loan eligibility
70 requirements; amending s. 409.1671, F.S.; providing for
71 certain coverage in lieu of personal motor vehicle
72 insurance for automobiles not owned by a lead agency that
73 are used for agency business; amending s. 409.175, F.S.;
74 revising requirements for licensure as a foster home or
75 child-caring agency; deleting the exemption from licensure
76 for persons who receive a child from the department;
77 clarifying that a permanent guardian is exempt from
78 licensure; amending s. 787.04, F.S.; prohibiting a person
79 from knowingly and willfully taking or removing a minor
80 from the state or concealing the location of a minor
81 during the pendency of a dependency proceeding or any
82 other action concerning alleged abuse or neglect of the
83 minor; amending s. 937.021, F.S.; requiring that a report
84 of a missing child made by the department, a community-

85 based care provider, or the appropriate law enforcement
 86 agency be treated as a missing child report filed by a
 87 parent or guardian; prohibiting a law enforcement agency
 88 from requiring an order that a child be taken into custody
 89 or any other such order before accepting a missing child
 90 report for investigation; amending s. 985.04, F.S.;
 91 providing for the disclosure of certain records relating
 92 to children having a history of inappropriate sexual
 93 behavior to school superintendents; amending ss. 393.0661,
 94 393.071, 393.125, 39.0015, 39.205, 39.302, 39.6011,
 95 39.828, and 419.001, F.S.; conforming cross-references;
 96 amending s. 1, ch. 2007-174, Laws of Florida; extending
 97 the date for the repeal of provisions authorizing the
 98 reorganization of the Department of Children and Family
 99 Services; providing effective dates.

100

101 Be It Enacted by the Legislature of the State of Florida:

102

103 Section 1. Subsections (14) through (74) of section 39.01,
 104 Florida Statutes, are renumbered as subsections (15) through
 105 (75), respectively, and a new subsection (14) is added to that
 106 section to read:

107 39.01 Definitions.--When used in this chapter, unless the
 108 context otherwise requires:

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

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

115 39.0121 Specific rulemaking authority.--Pursuant to the
116 requirements of s. 120.536, the department is specifically
117 authorized to adopt, amend, and repeal administrative rules
118 which implement or interpret law or policy, or describe the
119 procedure and practice requirements necessary to implement this
120 chapter, including, but not limited to, the following:

121 (16) Provision for reporting, locating, recovering, and
122 stabilizing a child whose whereabouts become unknown while the
123 child is involved with the department and for preventing
124 recurrences of such incidents. At a minimum, the rules must:

125 (a) Provide comprehensive, explicit, and consistent
126 guidelines to be followed by the department's employees and
127 contracted providers when the whereabouts of a child involved
128 with the department is unknown.

129 (b) Include criteria to determine when a child is missing
130 for purposes of making a report to a law enforcement agency and
131 require that in all cases in which a law enforcement agency has
132 accepted a case for criminal investigation pursuant to s.
133 39.301(2)(c) and the child's whereabouts are unknown, the child
134 shall be considered missing and a report shall be made.

135 (c) Include steps to be taken by employees and contracted
136 providers to ensure and provide evidence that parents and
137 guardians have been advised of the requirements of s. 787.04(3)
138 and that any violation of s. 787.04(3) is reported.

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

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141 39.0138 Criminal history records check; limit on placement
142 of a child.--

143 (1) The department shall conduct a criminal history
144 records check on ~~for~~ all persons being considered by the
145 department ~~for approval~~ for placement of a child subject to a
146 placement decision under this chapter, including all nonrelative
147 placement decisions, all members of the household of the person
148 being considered, and all frequent visitors to the household.

149 For purposes of this section, a criminal history records check
150 may include, but is not limited to, submission of fingerprints
151 to the Department of Law Enforcement for processing and
152 forwarding to the Federal Bureau of Investigation for state and
153 national criminal history information, and local criminal
154 records checks through local law enforcement agencies. A
155 criminal history records check must also include a search of the
156 department's automated abuse information system. The department
157 shall establish by rule standards for evaluating any information
158 contained in the automated system relating to a person who must
159 be screened for purposes of making a placement decision.

160 Section 4. Section 39.0141, Florida Statutes, is created
161 to read:

162 39.0141 Missing children; report required.--Whenever the
163 whereabouts of a child involved with the department becomes
164 unknown, the department, the community-based care provider, or
165 the appropriate law enforcement agency providing investigative
166 services for the department shall make reasonable efforts, as
167 defined by rule, to locate the child. If, pursuant to criteria
168 established by rule, the child is determined to be missing, the

169 department, the community-based care provider, or the
 170 appropriate law enforcement agency shall file a report that the
 171 child is missing in accordance with s. 937.021.

172 Section 5. Subsections (2), (4), and (7) of section
 173 39.201, Florida Statutes, are amended to read:

174 39.201 Mandatory reports of child abuse, abandonment, or
 175 neglect; mandatory reports of death; central abuse hotline.--

176 (2) (a) Each report of known or suspected child abuse,
 177 abandonment, or neglect by a parent, legal custodian, caregiver,
 178 or other person responsible for the child's welfare as defined
 179 in this chapter, except those solely under s. 827.04(3), and
 180 each report that a child is in need of supervision and care and
 181 has no parent, legal custodian, or responsible adult relative
 182 immediately known and available to provide supervision and care
 183 shall be made immediately to the department's central abuse
 184 hotline. Such reports may be made on the single statewide toll-
 185 free telephone number or via fax or web-based report. Personnel
 186 at the department's central abuse hotline shall determine if the
 187 report received meets the statutory definition of child abuse,
 188 abandonment, or neglect. Any report meeting one of these
 189 definitions shall be accepted for the protective investigation
 190 pursuant to part III of this chapter.

191 (b) If the report is of an instance of known or suspected
 192 child abuse by someone other than a parent, legal custodian,
 193 caregiver, or other person responsible for the child's welfare
 194 as defined in this chapter, the report or call shall be
 195 immediately electronically transferred to the appropriate law

196 enforcement agency ~~county sheriff's office~~ by the central abuse
 197 hotline.

198 (c) If the report is of an instance of known or suspected
 199 child abuse, abandonment, or neglect that occurred out of state
 200 and the alleged perpetrator and the child alleged to be a victim
 201 live out of state, the central abuse hotline shall not accept
 202 the report or call for investigation, but shall transfer the
 203 information on the report to the appropriate state.

204 (d) If the report is of an instance of known or suspected
 205 child abuse involving impregnation of a child under 16 years of
 206 age by a person 21 years of age or older solely under s.
 207 827.04(3), the report shall be made immediately to the
 208 ~~appropriate county sheriff's office or other~~ appropriate law
 209 enforcement agency. If the report is of an instance of known or
 210 suspected child abuse solely under s. 827.04(3), the reporting
 211 provisions of this subsection do not apply to health care
 212 professionals or other persons who provide medical or counseling
 213 services to pregnant children when such reporting would
 214 interfere with the provision of medical services.

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

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

221 1. The department shall determine the age of the alleged
 222 juvenile sexual offender, if known.

223 2. If ~~When~~ the alleged ~~juvenile sexual~~ offender is 12
 224 years of age or younger, the central abuse hotline shall
 225 immediately electronically transfer the report or call to the
 226 appropriate law enforcement agency office. The department shall
 227 conduct an assessment and assist the family in receiving
 228 appropriate services pursuant to s. 39.307, and send a written
 229 report of the allegation to the appropriate law enforcement
 230 agency ~~county sheriff's office~~ within 48 hours after the initial
 231 report is made to the central abuse hotline.

232 3. If ~~When~~ the alleged ~~juvenile sexual~~ offender is 13
 233 years of age or older, the central abuse hotline ~~department~~
 234 shall immediately electronically transfer the report or call to
 235 the appropriate law enforcement agency ~~county sheriff's office~~
 236 ~~by the central abuse hotline,~~ and send a written report to the
 237 appropriate law enforcement agency ~~county sheriff's office~~
 238 within 48 hours after the initial report to the central abuse
 239 hotline.

240 (g) Reports involving abandoned newborn infants as
 241 described in s. 383.50 shall be made and received by the
 242 department.

243 1. If the report is of an abandoned newborn infant as
 244 described in s. 383.50 and there is no indication of abuse,
 245 neglect, or abandonment other than that necessarily entailed in
 246 the infant having been left at a hospital, emergency medical
 247 services station, or fire station, the department shall provide
 248 to the caller the name of a licensed child-placing agency on a
 249 rotating basis from a list of licensed child-placing agencies
 250 eligible and required to accept physical custody of and to place

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251 newborn infants left at a hospital, emergency medical services
252 station, or fire station. The report shall not be considered a
253 report of abuse, neglect, or abandonment solely because the
254 infant has been left at a hospital, emergency medical services
255 station, or fire station pursuant to s. 383.50.

256 2. If the call, fax, or web-based report includes ~~caller~~
257 ~~reports~~ indications of abuse or neglect beyond that necessarily
258 entailed in the infant having been left at a hospital, emergency
259 medical services station, or fire station, the report shall be
260 considered as a report of abuse, neglect, or abandonment and
261 shall be subject to the requirements of s. 39.395 and all other
262 relevant provisions of this chapter, notwithstanding any
263 provisions of chapter 383.

264 (h) Hotline counselors shall receive periodic training in
265 encouraging reporters to provide their names when reporting
266 abuse, abandonment, or neglect. Callers shall be advised of the
267 confidentiality provisions of s. 39.202. The department shall
268 secure and install electronic equipment that automatically
269 provides to the hotline the number from which the call or fax is
270 placed or the Internet protocol (IP) address from which the
271 report is received. This number shall be entered into the report
272 of abuse, abandonment, or neglect and become a part of the
273 record of the report, but shall enjoy the same confidentiality
274 as provided to the identity of the reporter ~~caller~~ pursuant to
275 s. 39.202.

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

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279 or abandonment. The department shall maintain an electronic copy
280 of each fax and web-based report. The recording or electronic
281 copy of each fax and web-based report shall become a part of the
282 record of the report but, notwithstanding s. 39.202, shall be
283 released in full only to law enforcement agencies and state
284 attorneys for the purpose of investigating and prosecuting
285 criminal charges pursuant to s. 39.205, or to employees of the
286 department for the purpose of investigating and seeking
287 administrative penalties pursuant to s. 39.206. Nothing in this
288 paragraph shall prohibit the use of the recordings, the
289 electronic copies of faxes, and web-based reports by hotline
290 staff for quality assurance and training.

291 (4) The department shall establish and maintain a central
292 abuse hotline to receive all reports made pursuant to this
293 section in writing, via fax, via web-based reporting, or through
294 a single statewide toll-free telephone number, which any person
295 may use to report known or suspected child abuse, abandonment,
296 or neglect at any hour of the day or night, any day of the week.
297 The central abuse hotline shall be operated in such a manner as
298 to enable the department to:

299 (a) Immediately identify and locate prior reports or cases
300 of child abuse, abandonment, or neglect through utilization of
301 the department's automated tracking system.

302 (b) Monitor and evaluate the effectiveness of the
303 department's program for reporting and investigating suspected
304 abuse, abandonment, or neglect of children through the
305 development and analysis of statistical and other information.

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

309 (d) Maintain and produce aggregate statistical reports
 310 monitoring patterns of child abuse, child abandonment, and child
 311 neglect. The department shall collect and analyze child-on-child
 312 sexual abuse reports and include the information in aggregate
 313 statistical reports.

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

317 (f) Initiate and enter into agreements with other states
 318 for the purpose of gathering and sharing information contained
 319 in reports on child maltreatment to further enhance programs for
 320 the protection of children.

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

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

332 39.301 Initiation of protective investigations.--

333 (1) Upon receiving a an oral or written report of known or
 334 suspected child abuse, abandonment, or neglect, or that a child
 335 is in need of supervision and care and has no parent, legal
 336 custodian, or responsible adult relative immediately known and
 337 available to provide supervision and care, the central abuse
 338 hotline shall determine if the report requires an immediate
 339 onsite protective investigation. For reports requiring an
 340 immediate onsite protective investigation, the central abuse
 341 hotline shall immediately notify the department's designated
 342 ~~children and families~~ district staff responsible for protective
 343 investigations to ensure that an onsite investigation is
 344 promptly initiated. For reports not requiring an immediate
 345 onsite protective investigation, the central abuse hotline shall
 346 notify the department's designated ~~children and families~~
 347 district staff responsible for protective investigations in
 348 sufficient time to allow for an investigation. At the time of
 349 notification of district staff with respect to the report, the
 350 central abuse hotline shall also provide information on any
 351 previous report concerning a subject of the present report or
 352 any pertinent information relative to the present report or any
 353 noted earlier reports.

354 (16) The department shall complete its protective
 355 investigation within ~~No later than~~ 60 days after receiving the
 356 initial report, unless: ~~the local office of the department shall~~
 357 ~~complete its investigation.~~

358 (a) There is an active, concurrent criminal investigation
 359 that will continue beyond the 60-day period and the closure of
 360 the protective investigation may compromise successful criminal

361 prosecution of the child abuse or neglect case, in which case
 362 the closure date shall coincide with the closure date of the
 363 criminal investigation and any resulting legal action.

364 (b) In child death cases, the final report of the medical
 365 examiner is necessary for the department to close its
 366 investigation and the report has not been received within the
 367 60-day period, in which case the report closure date shall be
 368 extended to accommodate the medical examiner's final report.

369 (c) A child who is necessary to an investigation has been
 370 declared missing by the department, a law enforcement agency, or
 371 a court, in which case the 60-day period shall be extended until
 372 the child has been located or until sufficient information
 373 exists to close the investigation although the child's location
 374 remains unknown.

375 Section 7. Subsections (2), (3), (4), and (5) of section
 376 39.307, Florida Statutes, are amended to read:

377 39.307 Reports of child-on-child sexual abuse.--

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

380 (a) The purpose of the response to a report alleging
 381 juvenile sexual abuse behavior shall be explained to the
 382 caregiver.

383 1. The purpose of the response shall be explained in a
 384 manner consistent with legislative purpose and intent provided
 385 in this chapter.

386 2. The name and office telephone number of the person
 387 responding shall be provided to the caregiver of the alleged

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388 juvenile sexual offender or the child who has exhibited
389 inappropriate sexual behavior and the victim's caregiver.

390 3. The possible consequences of the department's response,
391 including outcomes and services, shall be explained to the
392 caregiver of the alleged juvenile sexual offender or the child
393 who has exhibited inappropriate sexual behavior and the victim's
394 ~~family or~~ caregiver.

395 (b) The caregiver of the alleged juvenile sexual offender
396 or the child who has exhibited inappropriate sexual behavior and
397 the victim's caregiver ~~of the victim~~ shall be involved to the
398 fullest extent possible in determining the nature of the
399 allegation and the nature of any problem or risk to other
400 children.

401 (c) The assessment of risk and the perceived treatment
402 needs of the alleged juvenile sexual offender or the child who
403 has exhibited inappropriate sexual behavior, the victim, and
404 respective caregivers shall be conducted by the district staff,
405 the child protection team of the Department of Health, and other
406 providers under contract with the department to provide services
407 to the caregiver of the alleged offender, the victim, and the
408 victim's caregiver.

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

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

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415 (f) Based on the information obtained from the alleged
416 juvenile sexual offender or the child who exhibited
417 inappropriate sexual behavior, his or her ~~the alleged juvenile~~
418 ~~sexual offender's~~ caregiver, the victim, and the victim's
419 caregiver, an assessment service and treatment needs report must
420 be completed within 7 days and, if needed, a case plan developed
421 within 30 days.

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

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

427 2. Services accepted by alleged offender or child who has
428 exhibited inappropriate sexual behavior. Services were offered
429 to the alleged juvenile sexual offender or the child who has
430 exhibited inappropriate sexual behavior and accepted by the
431 caregiver.

432 3. Report closed. Services were offered to the alleged
433 juvenile sexual offender or the child who has exhibited
434 inappropriate sexual behavior, but were rejected by the
435 caregiver.

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

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441 5. Services accepted by victim. Services were offered to
442 the victim ~~of the alleged juvenile sexual offender~~ and accepted
443 by the caregiver.

444 6. Report closed. Services were offered to the victim of
445 the alleged juvenile sexual offender, but were rejected by the
446 caregiver.

447 (3) If ~~When~~ services have been accepted by the alleged
448 juvenile sexual offender or the child who has exhibited
449 inappropriate sexual behavior, the victim, and respective
450 caregivers ~~or family~~, the department shall designate a case
451 manager and develop a specific case plan.

452 (a) Upon receipt of the plan, the caregiver or family
453 shall indicate its acceptance of the plan in writing.

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

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

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

461 ~~(4)-(5)~~ Services provided to the alleged juvenile sexual
462 offender or the child who has exhibited inappropriate sexual
463 behavior, the victim, and respective caregivers or family ~~under~~
464 ~~this section~~ shall be voluntary and of necessary duration.

465 ~~(5)-(4)~~ If ~~In the event~~ the family or caregiver of the
466 alleged juvenile sexual offender or the child who has exhibited
467 inappropriate sexual behavior fails to adequately participate or
468 allow for the adequate participation of the child ~~juvenile~~

469 ~~sexual offender~~ in the services or treatment delineated in the
 470 case plan, the case manager may recommend that the department:

- 471 (a) Close the case;
- 472 (b) Refer the case to mediation or arbitration, if
- 473 available; or
- 474 (c) Notify the appropriate law enforcement agency of
- 475 failure to comply.

476 Section 8. Subsection (3) of section 39.401, Florida
 477 Statutes, is amended, and subsection (5) is added to that
 478 section, to read:

479 39.401 Taking a child alleged to be dependent into
 480 custody; law enforcement officers and authorized agents of the
 481 department.--

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

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

491 (b) If the facts are sufficient ~~to support the filing of~~
 492 ~~the shelter petition~~ and the child has not been returned to the
 493 custody of the parent or legal custodian, the department shall
 494 file the petition and schedule a hearing, and the attorney
 495 representing the department shall request that a shelter hearing
 496 be held within ~~as quickly as possible, not to exceed~~ 24 hours

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

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

522 Section 9. Subsections (1) and (17) of section 39.502,
 523 Florida Statutes, are amended to read:

524 39.502 Notice, process, and service.--

525 (1) (a) Unless parental rights have been terminated, all
 526 parents must be notified of all proceedings or hearings
 527 involving the child. Notice in cases involving shelter hearings
 528 and hearings resulting from medical emergencies must be that
 529 most likely to result in actual notice to the parents. In all
 530 other dependency proceedings, notice must be provided in
 531 accordance with subsections (4)-(9).

532 (b) A foster parent or a preadoptive parent must receive
 533 at least 72-hour notice, either verbally or in writing, of all
 534 proceedings or hearings relating to a child in his or her care,
 535 or whom the parent is seeking to adopt.

536 (17) The parent or legal custodian of the child, the
 537 attorney for the department, the guardian ad litem, the foster
 538 parent, the preadoptive parent, and all other parties and
 539 participants shall be given reasonable notice of all hearings
 540 provided for under this part.

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

543 39.503 Identity or location of parent unknown; special
 544 procedures.--

545 (6) The diligent search required by subsection (5) must
 546 include, at a minimum, inquiries of all relatives of the parent
 547 or prospective parent made known to the petitioner, inquiries of
 548 all offices of program areas of the department likely to have
 549 information about the parent or prospective parent, inquiries of
 550 other state and federal agencies likely to have information
 551 about the parent or prospective parent, inquiries of appropriate
 552 utility and postal providers, a thorough search of at least one

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553 electronic database specifically designed for locating missing
554 parents and relatives, a search of the putative father registry,
555 and inquiries of appropriate law enforcement agencies. Pursuant
556 to s. 453 of the Social Security Act, 42 U.S.C. s. 653(c)(4),
557 the department, as the state agency administering Titles IV-B
558 and IV-E of the act, along with any entity contracted by the
559 department to perform diligent searches, shall be provided
560 access to the federal and state parent locator service for
561 diligent search activities. A search using an electronic
562 database specifically designed for locating missing parents and
563 relatives shall be accepted by the court as a sufficient
564 diligent search provided the search tool encompasses all
565 reasonably available public databases commonly used to locate
566 missing persons.

567 Section 11. Section 39.504, Florida Statutes, is amended
568 to read:

569 39.504 Injunction pending disposition of petition;
570 penalty.--

571 (1)(a) At any time after a protective investigation has
572 been initiated pursuant to part III ~~When a petition for shelter~~
573 ~~placement or a petition for dependency has been filed or when a~~
574 ~~child has been taken into custody and reasonable cause, as~~
575 ~~defined in paragraph (b), exists,~~ the court, upon the request of
576 the department, a law enforcement officer, the state attorney,
577 or other responsible person, or upon its own motion, may, if
578 there is reasonable cause, ~~shall have the authority to issue an~~
579 ~~injunction to prevent any act of child abuse or any unlawful~~
580 ~~sexual offense involving a child.~~

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581 ~~(b)~~ Reasonable cause for the issuance of an injunction
582 exists if there is evidence of child abuse ~~or an unlawful sexual~~
583 ~~offense involving a child~~ or if there is a reasonable likelihood
584 of such abuse or offense occurring based upon a recent overt act
585 or failure to act.

586 (2) Notice shall be provided to the parties as set forth
587 in the Florida Rules of Juvenile Procedure, unless the child is
588 reported to be in imminent danger, in which case the court may
589 issue an injunction immediately. A judge may issue an emergency
590 injunction pursuant to this section without notice if at times
591 ~~when~~ the court is closed for the transaction of judicial
592 business. If ~~When such~~ an immediate injunction is issued, the
593 court must ~~shall~~ hold a hearing on the next day of judicial
594 business ~~either~~ to dissolve the injunction or to continue or
595 modify it in accordance with ~~the other provisions of this~~
596 section.

597 (3)~~(a)~~ If ~~In every instance in which~~ an injunction is
598 issued under this section, the primary purpose of the injunction
599 must be ~~shall be primarily~~ to protect and promote the best
600 interests of the child, taking the preservation of the child's
601 immediate family into consideration. ~~The effective period of the~~
602 ~~injunction shall be determined by the court, except that the~~
603 ~~injunction will expire at the time of the disposition of the~~
604 ~~petition for shelter placement or dependency.~~

605 (a)~~(b)~~ The injunction shall apply to the alleged or actual
606 offender in a case of child abuse or acts of domestic violence
607 ~~an unlawful sexual offense involving a child~~. The conditions of
608 the injunction shall be determined by the court, which

609 conditions may include ordering the alleged or actual offender
 610 to:

- 611 1. Refrain from further abuse or acts of domestic violence
- 612 ~~unlawful sexual activity involving a child.~~
- 613 2. Participate in a specialized treatment program.
- 614 3. Limit contact or communication with the child ~~victim,~~
- 615 other children in the home, or any other child.
- 616 4. Refrain from contacting the child at home, school,
- 617 work, or wherever the child may be found.
- 618 5. Have limited or supervised visitation with the child.
- 619 6. Pay temporary support for the child or other family
- 620 members; the costs of medical, psychiatric, and psychological
- 621 treatment for the child ~~victim~~ incurred as a result of the
- 622 offenses; and similar costs for other family members.
- 623 7. Vacate the home in which the child resides.

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

- 626 1. Awarding the exclusive use and possession of the
- 627 dwelling to the caregiver or excluding the alleged or actual
- 628 offender from the residence of the caregiver.
- 629 2. Awarding the temporary custody of the child to the
- 630 caregiver.
- 631 3. Establishing temporary support for the child.

632
 633 This paragraph does not preclude the adult victim of domestic
 634 violence from seeking protection under s. 741.30.

635 (c) The terms of the injunction shall remain in effect
 636 until modified or dissolved by the court. The petitioner,

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637 respondent, or caregiver may move at any time to modify or
638 dissolve the injunction. The injunction is valid and enforceable
639 in all counties in the state. ~~At any time prior to the~~
640 ~~disposition of the petition, the alleged or actual offender may~~
641 ~~offer the court evidence of changed circumstances as a ground to~~
642 ~~dissolve or modify the injunction.~~

643 (4) The process of service to the respondent shall be
644 carried out pursuant to s. 741.30. The department shall deliver
645 a copy of any injunction issued pursuant to this section shall
646 be delivered to the protected party, or a parent or caregiver or
647 individual acting in the place of a parent who is not the
648 respondent, ~~and to any law enforcement agency having~~
649 ~~jurisdiction to enforce such injunction. Upon delivery of the~~
650 ~~injunction to the appropriate law enforcement agency, the agency~~
651 ~~shall have the duty and responsibility to enforce the~~
652 ~~injunction.~~ Law enforcement officers may exercise their arrest
653 powers as provided in s. 901.15(6) to enforce the terms of the
654 injunction.

655 (5) Any person who fails to comply with an injunction
656 issued pursuant to this section commits ~~is guilty of~~ a
657 misdemeanor of the first degree, punishable as provided in s.
658 775.082 or s. 775.083.

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

661 39.507 Adjudicatory hearings; orders of adjudication.--

662 (7) (a) For as long as a court maintains jurisdiction over
663 a dependency case, only one order adjudicating each child in the
664 case dependent shall be entered. This order establishes the

665 legal status of the child for purposes of proceedings under this
 666 chapter and may be based on the conduct of one parent, both
 667 parents, or a legal custodian.

668 (b) Upon a properly noticed motion, a subsequent
 669 evidentiary hearing may be held regarding the conduct of one
 670 parent, both parents, or a custodian. With court approval,
 671 supplemental findings made beyond a preponderance of the
 672 evidence may be entered. The child's dependency status may not
 673 be retried or readjudicated.

674 (c) If a court adjudicates a child dependent and the child
 675 is in out-of-home care, the court shall inquire of the parent or
 676 parents whether the parents have relatives who might be
 677 considered as a placement for the child. The court shall advise
 678 the parents that, if the parents fail to substantially comply
 679 with the case plan, their parental rights may be terminated and
 680 that the child's out-of-home placement may become permanent. The
 681 parent or parents shall provide to the court and all parties
 682 identification and location information of the relatives.

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

685 39.521 Disposition hearings; powers of disposition.--

686 (1) A disposition hearing shall be conducted by the court,
 687 if the court finds that the facts alleged in the petition for
 688 dependency were proven in the adjudicatory hearing, or if the
 689 parents or legal custodians have consented to the finding of
 690 dependency or admitted the allegations in the petition, have
 691 failed to appear for the arraignment hearing after proper

692 notice, or have not been located despite a diligent search
 693 having been conducted.

694 (a) A written case plan and a predisposition study
 695 prepared by an authorized agent of the department must be filed
 696 with the court and served upon the parents of the child,
 697 provided to the representative of the guardian ad litem program,
 698 if the program has been appointed, and provided to all other
 699 parties, not less than 72 hours before the disposition hearing.
 700 All such case plans must be approved by the court. If the court
 701 does not approve the case plan at the disposition hearing, the
 702 court must set a hearing within 30 days after the disposition
 703 hearing to review and approve the case plan. The court may grant
 704 an exception to the requirement for a predisposition study by
 705 separate order or within the judge's order of disposition upon
 706 finding that all information regarding the family and child
 707 required by subsection (2) is available in other documents filed
 708 with the court.

709 (f) If the court places the child in an out-of-home
 710 placement, the disposition order must include a written
 711 determination that the child cannot safely remain at home with
 712 reunification or family preservation services and that removal
 713 of the child is necessary to protect the child. If the child is
 714 ~~has been~~ removed before the disposition hearing, the order must
 715 also include a written determination as to whether, after
 716 removal, the department ~~has~~ made a reasonable effort to reunify
 717 the parent and child, ~~if reasonable efforts are required.~~
 718 Reasonable efforts to reunify are not required if the court
 719 finds ~~has found~~ that any of the acts listed in s. 39.806(1)(f) -

720 (i) have occurred. The department has the burden of
 721 demonstrating that it ~~has~~ made reasonable efforts ~~under this~~
 722 ~~paragraph.~~

723 1. For the purposes of this paragraph, the term
 724 "reasonable effort" means the exercise of reasonable diligence
 725 and care by the department to provide the services ordered by
 726 the court or delineated in the case plan.

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

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

731 b. If prevention or reunification efforts were indicated,
 732 include a brief written description of what appropriate and
 733 available prevention and reunification efforts were made.

734 c. Indicate in writing why further efforts could or could
 735 not have prevented or shortened the separation of the parent and
 736 child.

737 3. A court may find that the department has made a
 738 reasonable effort to prevent or eliminate the need for removal
 739 if:

740 a. The first contact of the department with the family
 741 occurs during an emergency;

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

747 c. The child cannot safely remain at home, ~~either~~ because
 748 there are no preventive services that can ensure the health and
 749 safety of the child or, even with appropriate and available
 750 services being provided, the health and safety of the child
 751 cannot be ensured; or

752 d. The parent is alleged to have committed any of the acts
 753 listed as grounds for expedited termination of parental rights
 754 under ~~in~~ s. 39.806(1)(f)-(i).

755 4. A reasonable effort by the department for reunification
 756 ~~of the parent and child~~ has been made if the appraisal of the
 757 home situation by the department indicates that the severity of
 758 the conditions of dependency is such that reunification efforts
 759 are inappropriate. The department has the burden of
 760 demonstrating to the court that reunification efforts were
 761 inappropriate.

762 5. If the court finds that the prevention or reunification
 763 effort of the department would not have permitted the child to
 764 remain safely at home, the court may commit the child to the
 765 temporary legal custody of the department or take any other
 766 action authorized by this chapter.

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

769 39.701 Judicial review.--

770 (5) Notice of a judicial review hearing or a citizen
 771 review panel hearing, and a copy of the motion for judicial
 772 review, if any, must be served by the clerk of the court on all
 773 of the following persons, if available to be served, regardless
 774 of whether or not the person was present at the previous hearing

775 at which the date, time, and location of the hearing was
 776 announced upon:

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

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

782 (c) The parents.

783 (d) The guardian ad litem for the child, or the
 784 representative of the guardian ad litem program if the program
 785 has been appointed.

786 (e) The attorney for the child.

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

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

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

791
 792 ~~Service of notice is not required on any of the persons listed~~
 793 ~~in paragraphs (a) - (f) if the person was present at the previous~~
 794 ~~hearing during which the date, time, and location of the hearing~~
 795 ~~was announced.~~

796 Section 15. Paragraph (d) is added to subsection (1) of
 797 section 63.0541, Florida Statutes, to read:

798 63.0541 Public records exemption for the Florida Putative
 799 Father Registry.--

800 (1) All information contained in the Florida Putative
 801 Father Registry and maintained by the Office of Vital Statistics
 802 within the Department of Health is confidential and exempt from

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803 public disclosure pursuant to s. 119.07(1) and s. 24(a), Art. I
 804 of the State Constitution, except as otherwise provided in this
 805 section. Information made confidential and exempt by this
 806 section shall be disclosed to:

807 (d) The department, upon the filing of a request for a
 808 diligent search of the Florida Putative Father Registry pursuant
 809 to s. 39.503.

810 Section 16. Subsection (4) of section 322.142, Florida
 811 Statutes, is amended to read:

812 322.142 Color photographic or digital imaged licenses.--

813 (4) The department may maintain a film negative or print
 814 file. The department shall maintain a record of the digital
 815 image and signature of the licensees, together with other data
 816 required by the department for identification and retrieval.
 817 Reproductions from the file or digital record are exempt from
 818 the provisions of s. 119.07(1) and shall be made and issued only
 819 for departmental administrative purposes; for the issuance of
 820 duplicate licenses; in response to law enforcement agency
 821 requests; to the Department of State pursuant to an interagency
 822 agreement to facilitate determinations of eligibility of voter
 823 registration applicants and registered voters in accordance with
 824 ss. 98.045 and 98.075; to the Department of Revenue pursuant to
 825 an interagency agreement for use in establishing paternity and
 826 establishing, modifying, or enforcing support obligations in
 827 Title IV-D cases; to the Department of Children and Family
 828 Services pursuant to an interagency agreement to conduct
 829 protective investigations under part III of chapter 39 and s.
 830 415.104 and for purposes of expediting the determination of

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831 eligibility for public assistance; or to the Department of
832 Financial Services pursuant to an interagency agreement to
833 facilitate the location of owners of unclaimed property, the
834 validation of unclaimed property claims, and the identification
835 of fraudulent or false claims, ~~and are exempt from the~~
836 ~~provisions of s. 119.07(1).~~

837 Section 17. Section 402.401, Florida Statutes, is amended
838 to read:

839 402.401 Florida Child Welfare Student Loan Forgiveness
840 Program.--

841 ~~(1)~~ There is created the Florida Child Welfare Student
842 Loan Forgiveness Program to be administered by the Department of
843 Children and Family Services Education. The program shall
844 provide loan reimbursement assistance to eligible employees in
845 child welfare positions that are critical to the department's
846 mission, as determined by the department, and that are within
847 the department, a law enforcement agency, or a contracted
848 community-based care agency ~~students for upper division~~
849 ~~undergraduate and graduate study. The primary purpose of the~~
850 ~~program is to attract capable and promising students to the~~
851 ~~child welfare profession, increase employment and retention of~~
852 ~~individuals who are working towards or who have received either~~
853 ~~a bachelor's degree or a master's degree in social work, or any~~
854 ~~human services subject area that qualifies the individual for~~
855 ~~employment as a family services worker, and provide~~
856 ~~opportunities for persons making midcareer decisions to enter~~
857 ~~the child welfare profession. The State Board of Education shall~~
858 ~~adopt rules necessary to administer the program.~~

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

862 1. ~~Be a full time student at the upper division~~
 863 ~~undergraduate or graduate level in a social work program~~
 864 ~~approved by the Council on Social Work Education leading to~~
 865 ~~either a bachelor's degree or a master's degree in social work~~
 866 ~~or an accredited human services degree program.~~

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

872 3. ~~If applying for an undergraduate forgivable loan, have~~
 873 ~~maintained a minimum cumulative grade point average of at least~~
 874 ~~a 2.5 on a 4.0 scale for all undergraduate work. Renewal~~
 875 ~~applicants for undergraduate loans shall have maintained a~~
 876 ~~minimum cumulative grade point average of at least a 2.5 on a~~
 877 ~~4.0 scale for all undergraduate work and have earned at least 12~~
 878 ~~semester credits per term, or the equivalent.~~

879 4. ~~If applying for a graduate forgivable loan, have~~
 880 ~~maintained an undergraduate cumulative grade point average of at~~
 881 ~~least a 3.0 on a 4.0 scale or have attained a Graduate Record~~
 882 ~~Examination score of at least 1,000. Renewal applicants for~~
 883 ~~graduate loans shall have maintained a minimum cumulative grade~~
 884 ~~point average of at least a 3.0 on a 4.0 scale for all graduate~~
 885 ~~work and have earned at least 9 semester credits per term, or~~
 886 ~~the equivalent.~~

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

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

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

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

899 ~~(d) The State Board of Education shall adopt by rule~~
 900 ~~repayment schedules and applicable interest rates under ss.~~
 901 ~~1009.82 and 1009.95. A forgivable loan must be repaid within 10~~
 902 ~~years after completion of a program of studies.~~

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

907 ~~2. Any forgivable loan recipient who fails to work at the~~
 908 ~~Department of Children and Family Services or its successor, or~~
 909 ~~with an eligible lead community based provider as defined in s.~~
 910 ~~409.1671, is responsible for repaying the loan plus accrued~~
 911 ~~interest at 8 percent annually.~~

912 ~~3. Forgivable loan recipients may receive loan repayment~~
 913 ~~credit for child welfare service rendered at any time during the~~
 914 ~~scheduled repayment period. However, such repayment credit shall~~

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915 ~~be applicable only to the current principal and accrued interest~~
916 ~~balance that remains at the time the repayment credit is earned.~~
917 ~~No loan recipient shall be reimbursed for previous cash payments~~
918 ~~of principal and interest.~~

919 ~~(3) This section shall be implemented only as specifically~~
920 ~~funded.~~

921 Section 18. Paragraphs (h) and (j) of subsection (1) of
922 section 409.1671, Florida Statutes, are amended to read:

923 409.1671 Foster care and related services; outsourcing.--

924 (1)

925 (h) Other than an entity to which s. 768.28 applies, any
926 eligible lead community-based provider, as defined in paragraph
927 (e), or its employees or officers, except as otherwise provided
928 in paragraph (i), must, as a part of its contract, obtain a
929 minimum of \$1 million per claim/\$3 million per incident in
930 general liability insurance coverage. The eligible lead
931 community-based provider must also require that staff who
932 transport client children and families in their personal
933 automobiles in order to carry out their job responsibilities
934 obtain minimum bodily injury liability insurance in the amount
935 of \$100,000 per claim, \$300,000 per incident, on their personal
936 automobiles. In lieu of such personal motor vehicle insurance,
937 the lead community-based provider's casualty, liability, or
938 motor vehicle insurance carrier may provide nonowned automobile
939 coverage that would provide the lead community-based provider
940 with coverage for automobiles that the lead community-based
941 provider does not own, lease, rent, or borrow and that are used
942 in connection with the lead community-based provider's business.

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943 This coverage includes automobiles owned by the lead community-
944 based provider's employees or a member of their households but
945 only when the automobile is used in connection with the lead
946 community-based provider's business. The nonowned automobile
947 coverage for the lead community-based provider would apply as
948 excess coverage over any other collectible insurance. The
949 personal automobile policy for the employee of the lead
950 community-based provider would be primary, and the nonowned
951 automobile coverage of the lead community-based provider would
952 be excess. The lead community-based provider shall provide a
953 minimum limit of \$1,000,000 in nonowned automobile coverage. In
954 any tort action brought against such an eligible lead community-
955 based provider or employee, net economic damages shall be
956 limited to \$1 million per liability claim and \$100,000 per
957 automobile claim, including, but not limited to, past and future
958 medical expenses, wage loss, and loss of earning capacity,
959 offset by any collateral source payment paid or payable. In any
960 tort action brought against such an eligible lead community-
961 based provider, noneconomic damages shall be limited to \$200,000
962 per claim. A claims bill may be brought on behalf of a claimant
963 pursuant to s. 768.28 for any amount exceeding the limits
964 specified in this paragraph. Any offset of collateral source
965 payments made as of the date of the settlement or judgment shall
966 be in accordance with s. 768.76. The lead community-based
967 provider shall not be liable in tort for the acts or omissions
968 of its subcontractors or the officers, agents, or employees of
969 its subcontractors.

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970 (j) Any subcontractor of an eligible lead community-based
971 provider, as defined in paragraph (e), which is a direct
972 provider of foster care and related services to children and
973 families, and its employees or officers, except as otherwise
974 provided in paragraph (i), must, as a part of its contract,
975 obtain a minimum of \$1 million per claim/\$3 million per incident
976 in general liability insurance coverage. The subcontractor of an
977 eligible lead community-based provider must also require that
978 staff who transport client children and families in their
979 personal automobiles in order to carry out their job
980 responsibilities obtain minimum bodily injury liability
981 insurance in the amount of \$100,000 per claim, \$300,000 per
982 incident, on their personal automobiles. In lieu of such
983 personal motor vehicle insurance, the subcontractor's casualty,
984 liability, or motor vehicle insurance carrier may provide
985 nonowned automobile coverage that would provide the
986 subcontractor with coverage for automobiles that the
987 subcontractor does not own, lease, rent, or borrow and that are
988 used in connection with the subcontractor's business. This
989 coverage includes automobiles owned by the subcontractor's
990 employees or a member of their households but only when the
991 automobile is used in connection with the subcontractor's
992 business. The nonowned automobile coverage for the subcontractor
993 would apply as excess coverage over any other collectible
994 insurance. The personal automobile policy for the employee of
995 the subcontractor would be primary, and the nonowned automobile
996 coverage of the subcontractor would be excess. The subcontractor
997 shall provide a minimum limit of \$1,000,000 in nonowned

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998 automobile coverage. In any tort action brought against such
 999 subcontractor or employee, net economic damages shall be limited
 1000 to \$1 million per liability claim and \$100,000 per automobile
 1001 claim, including, but not limited to, past and future medical
 1002 expenses, wage loss, and loss of earning capacity, offset by any
 1003 collateral source payment paid or payable. In any tort action
 1004 brought against such subcontractor, noneconomic damages shall be
 1005 limited to \$200,000 per claim. A claims bill may be brought on
 1006 behalf of a claimant pursuant to s. 768.28 for any amount
 1007 exceeding the limits specified in this paragraph. Any offset of
 1008 collateral source payments made as of the date of the settlement
 1009 or judgment shall be in accordance with s. 768.76.

1010 Section 19. Paragraph (a) of subsection (4) of section
 1011 409.175, Florida Statutes, is amended to read:

1012 409.175 Licensure of family foster homes, residential
 1013 child-caring agencies, and child-placing agencies; public
 1014 records exemption.--

1015 (4)(a) A person, family foster home, or residential child-
 1016 caring agency may ~~shall~~ not provide ~~receive a child for~~
 1017 continuing full-time child care or custody unless such person,
 1018 home, or agency has first procured a license from the department
 1019 to provide such care. This requirement does not apply to a
 1020 person who is a relative of the child by blood, marriage, or
 1021 adoption, or to a permanent legal guardian established under s.
 1022 39.6221, ~~a person who has received the child from the~~
 1023 ~~department,~~ a licensed child-placing agency, or an intermediary
 1024 for the purposes of adoption pursuant to chapter 63.

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1025 Section 20. Subsection (3) of section 787.04, Florida
 1026 Statutes, is amended to read:

1027 787.04 Removing minors from state or concealing minors
 1028 contrary to state agency order or court order.--

1029 (3) It is unlawful for any person, ~~with criminal intent,~~
 1030 to knowingly and willfully lead, take, entice, or remove a minor
 1031 beyond the limits of this state, or to knowingly and willfully
 1032 conceal the location of a minor, during the pendency of a
 1033 dependency proceeding affecting such minor or during the
 1034 pendency of any investigation, action, or proceeding concerning
 1035 the alleged abuse or neglect of such minor, after having
 1036 received actual or constructive notice of the pendency of such
 1037 investigation, action, or proceeding and without the permission
 1038 of the state agency or court in which the investigation, action,
 1039 or proceeding is pending.

1040 Section 21. Subsection (1) of section 937.021, Florida
 1041 Statutes, is amended to read:

1042 937.021 Missing child reports.--

1043 (1) Upon the filing of a police report that a child is
 1044 missing by the parent or guardian, the Department of Children
 1045 and Family Services, a community-based care provider, or the
 1046 appropriate law enforcement agency providing investigative
 1047 services for the department, the law enforcement agency
 1048 receiving the report shall immediately inform all on-duty law
 1049 enforcement officers of the ~~existence of the~~ missing child
 1050 report, communicate the report to every other law enforcement
 1051 agency having jurisdiction in the county, and transmit the
 1052 report for inclusion within the Florida Crime Information Center

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1053 computer. A law enforcement agency may not require a reporter to
 1054 present an order that a child be taken into custody or any other
 1055 such order before accepting a report that a child is missing.

1056 Section 22. Paragraph (c) of subsection (4) of section
 1057 985.04, Florida Statutes, is amended to read:

1058 985.04 Oaths; records; confidential information.--

1059 (4)

1060 (c) The department shall disclose to the school
 1061 superintendent the presence of any child in the care and custody
 1062 or under the jurisdiction or supervision of the department who
 1063 has a known history of criminal sexual behavior with other
 1064 juveniles; is an alleged juvenile sexual offender or a child who
 1065 has exhibited inappropriate sexual behavior, as defined in s.
 1066 39.01; or has pled guilty or nolo contendere to, or has been
 1067 found to have committed, a violation of chapter 794, chapter
 1068 796, chapter 800, s. 827.071, or s. 847.0133, regardless of
 1069 adjudication. An ~~Any~~ employee of a district school board who
 1070 knowingly and willfully discloses such information to an
 1071 unauthorized person commits a misdemeanor of the second degree,
 1072 punishable as provided in s. 775.082 or s. 775.083.

1073 Section 23. Paragraph (b) of subsection (3) of section
 1074 39.0015, Florida Statutes, is amended to read:

1075 39.0015 Child abuse prevention training in the district
 1076 school system.--

1077 (3) DEFINITIONS.--As used in this section:

1078 (b) "Child abuse" means those acts as defined in ss.
 1079 39.01(1), (2), (32) ~~(31)~~, (42) ~~(41)~~, (44) ~~(43)~~, (56) ~~(55)~~, and
 1080 (67) ~~(66)~~, 827.04, and 984.03(1), (2), and (37).

1081 Section 24. Subsection (5) of section 39.205, Florida
 1082 Statutes, is amended to read:

1083 39.205 Penalties relating to reporting of child abuse,
 1084 abandonment, or neglect.--

1085 (5) If the department or its authorized agent has
 1086 determined after its investigation that a report is false, the
 1087 department shall, with the consent of the alleged perpetrator,
 1088 refer the report to the local law enforcement agency having
 1089 jurisdiction for an investigation to determine whether
 1090 sufficient evidence exists to refer the case for prosecution for
 1091 filing a false report as defined in s. 39.01(29)~~(28)~~. During the
 1092 pendency of the investigation by the local law enforcement
 1093 agency, the department must notify the local law enforcement
 1094 agency of, and the local law enforcement agency must respond to,
 1095 all subsequent reports concerning children in that same family
 1096 in accordance with s. 39.301. If the law enforcement agency
 1097 believes that there are indicators of abuse, abandonment, or
 1098 neglect, it must immediately notify the department, which must
 1099 assure the safety of the children. If the law enforcement agency
 1100 finds sufficient evidence for prosecution for filing a false
 1101 report, it must refer the case to the appropriate state attorney
 1102 for prosecution.

1103 Section 25. Subsection (1) of section 39.302, Florida
 1104 Statutes, is amended to read:

1105 39.302 Protective investigations of institutional child
 1106 abuse, abandonment, or neglect.--

1107 (1) The department shall conduct a child protective
 1108 investigation of each report of institutional child abuse,

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1109 abandonment, or neglect. Upon receipt of a report that alleges
1110 that an employee or agent of the department, or any other entity
1111 or person covered by s. 39.01 (33) or (47) ~~(32) or (46)~~, acting in
1112 an official capacity, has committed an act of child abuse,
1113 abandonment, or neglect, the department shall initiate a child
1114 protective investigation within the timeframe established by the
1115 central abuse hotline under s. 39.201(5) and orally notify the
1116 appropriate state attorney, law enforcement agency, and
1117 licensing agency. These agencies shall immediately conduct a
1118 joint investigation, unless independent investigations are more
1119 feasible. When conducting investigations onsite or having face-
1120 to-face interviews with the child, such investigation visits
1121 shall be unannounced unless it is determined by the department
1122 or its agent that the unannounced visits would threaten the
1123 safety of the child. When a facility is exempt from licensing,
1124 the department shall inform the owner or operator of the
1125 facility of the report. Each agency conducting a joint
1126 investigation is entitled to full access to the information
1127 gathered by the department in the course of the investigation. A
1128 protective investigation must include an onsite visit of the
1129 child's place of residence. In all cases, the department shall
1130 make a full written report to the state attorney within 3
1131 working days after making the oral report. A criminal
1132 investigation shall be coordinated, whenever possible, with the
1133 child protective investigation of the department. Any interested
1134 person who has information regarding the offenses described in
1135 this subsection may forward a statement to the state attorney as
1136 to whether prosecution is warranted and appropriate. Within 15

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1137 days after the completion of the investigation, the state
1138 attorney shall report the findings to the department and shall
1139 include in the report a determination of whether or not
1140 prosecution is justified and appropriate in view of the
1141 circumstances of the specific case.

1142 Section 26. Paragraphs (b) and (c) of subsection (2) of
1143 section 39.6011, Florida Statutes, are amended to read:

1144 39.6011 Case plan development.--

1145 (2) The case plan must be written simply and clearly in
1146 English and, if English is not the principal language of the
1147 child's parent, to the extent possible in the parent's principal
1148 language. Each case plan must contain:

1149 (b) The permanency goal as defined in s. 39.01(52)~~(51)~~.

1150 (c) If concurrent planning is being used, a description of
1151 the permanency goal of reunification with the parent or legal
1152 custodian in addition to a description of one of the remaining
1153 permanency goals described in s. 39.01(52)~~(51)~~.

1154 Section 27. Paragraph (a) of subsection (1) of section
1155 39.828, Florida Statutes, is amended to read:

1156 39.828 Grounds for appointment of a guardian advocate.--

1157 (1) The court shall appoint the person named in the
1158 petition as a guardian advocate with all the powers and duties
1159 specified in s. 39.829 for an initial term of 1 year upon a
1160 finding that:

1161 (a) The child named in the petition is or was a drug
1162 dependent newborn as described in s. 39.01(32) ~~(g)~~ ~~(31)~~ ~~(g)~~;

1163 Section 28. Paragraph (d) of subsection (1) of section
1164 419.001, Florida Statutes, is amended to read:

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1165 419.001 Site selection of community residential homes.--

1166 (1) For the purposes of this section, the following
 1167 definitions shall apply:

1168 (d) "Resident" means any of the following: a frail elder
 1169 as defined in s. 429.65; a physically disabled or handicapped
 1170 person as defined in s. 760.22(7)(a); a developmentally disabled
 1171 person as defined in s. 393.063; a nondangerous mentally ill
 1172 person as defined in s. 394.455(18); or a child who is found to
 1173 be dependent or a child in need of services as defined in s.
 1174 39.01(15)(14), s. 984.03(9) or (12), or s. 985.03.

1175 Section 29. Effective upon this act becoming a law, and
 1176 operating retroactively to June 29, 2008, subsection (3) of
 1177 section 1 of chapter 2007-174, Laws of Florida, is amended to
 1178 read:

1179 Section 1. Flexibility for the Department of Children and
 1180 Family Services.--

1181 (3) This section expires June 30, 2009 ~~2008~~.

1182 Section 30. Except as otherwise expressly provided in this
 1183 act and except for this section, which shall take effect upon
 1184 this act becoming a law, this act shall take effect July 1,
 1185 2008.