

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 a law enforcement  
33 | officer who takes a child into custody to release such  
34 | child to an adoptive parent of the child's sibling, if the  
35 | sibling was previously adopted; requiring judicial  
36 | approval for the placement of a child with a nonrelative;  
37 | amending s. 39.502, F.S.; requiring certain notice to  
38 | foster and preadoptive parents of any hearings involving  
39 | the child in their care; amending s. 39.503, F.S.;  
40 | revising procedures relating to diligent searches for  
41 | missing parents and relatives; amending s. 39.504, F.S.;  
42 | revising procedures related to injunctions pending  
43 | disposition of petition issued to protect a child;  
44 | requiring that such injunctions remain in effect until  
45 | modified or dissolved by the court; providing additional  
46 | conditions for an injunction to protect a child from  
47 | domestic violence; providing for process of service;  
48 | authorizing law enforcement officers to exercise certain  
49 | arrest powers; amending s. 39.507, F.S.; limiting a court  
50 | to one order adjudicating dependency; providing for  
51 | supplemental findings; correcting a cross-reference;  
52 | amending s. 39.521, F.S.; providing an exception from the  
53 | requirement for a predisposition study in dependency  
54 | proceedings; correcting cross-references; amending s.  
55 | 39.701, F.S.; requiring that notice of a judicial review  
56 | of a child's status be served on certain persons

57 | regardless of whether or not they attended a prior hearing  
58 | at which the hearing was announced; amending s. 63.0541,  
59 | F.S.; permitting certain information contained in the  
60 | Florida Putative Father Registry to be disclosed to the  
61 | department; amending s. 322.142, F.S.; authorizing the  
62 | department to be provided copies of driver's license files  
63 | maintained by the Department of Highway Safety and Motor  
64 | Vehicles for the purpose of conducting protective  
65 | investigations and expediting the determination of  
66 | eligibility for public assistance; amending s. 402.401;  
67 | providing for administration of the Florida Child Welfare  
68 | Student Loan Forgiveness Program by the Department of  
69 | Children and Family Services rather than the Department of  
70 | Education; authorizing loan reimbursement to certain  
71 | eligible employees; revising loan eligibility  
72 | requirements; directing the Department of Children and  
73 | Family Services to adopt rules to administer the program;  
74 | amending s. 409.1671, F.S.; providing for certain coverage  
75 | in lieu of personal motor vehicle insurance for  
76 | automobiles not owned by a lead agency that are used for  
77 | agency business; amending s. 409.175, F.S.; revising  
78 | requirements for licensure as a foster home or child-  
79 | caring agency; deleting the exemption from licensure for  
80 | persons who receive a child from the department;  
81 | clarifying that a permanent guardian is exempt from  
82 | licensure; amending s. 787.04, F.S.; prohibiting a person  
83 | from knowingly and willfully taking or removing a minor  
84 | from the state or concealing the location of a minor

85 during the pendency of a dependency proceeding or any  
 86 other action concerning alleged abuse or neglect of the  
 87 minor; amending s. 937.021, F.S.; requiring that a report  
 88 of a missing child made by the department, a community-  
 89 based care provider, or the appropriate law enforcement  
 90 agency be treated as a missing child report filed by a  
 91 parent or guardian; prohibiting a law enforcement agency  
 92 from requiring an order that a child be taken into custody  
 93 or any other such order before accepting a missing child  
 94 report for investigation; amending ss. 393.0661, 393.071,  
 95 393.125, 39.0015, 39.205, 39.302, 39.6011, 39.828, and  
 96 419.001, F.S.; conforming cross-references; amending s. 1,  
 97 ch. 2007-174, Laws of Florida; extending the date for the  
 98 repeal of provisions authorizing the reorganization of the  
 99 Department of Children and Family Services; providing  
 100 effective dates.

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

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

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

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

112 has been found by the department or the court to have committed  
 113 an inappropriate sexual act.

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

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

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

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

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

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

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

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

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

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

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

163 39.0141 Missing children; report required.--Whenever the  
 164 whereabouts of a child involved with the department becomes  
 165 unknown, the department, the community-based care provider, or  
 166 the appropriate law enforcement agency providing investigative  
 167 services for the department shall make reasonable efforts, as

168 defined by rule, to locate the child. If, pursuant to criteria  
 169 established by rule, the child is determined to be missing, the  
 170 department, the community-based care provider, or the  
 171 appropriate law enforcement agency shall file a report that the  
 172 child is missing in accordance with s. 937.021.

173 Section 5. Subsections (2), (4), and (7) of section  
 174 39.201, Florida Statutes, are amended to read:

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

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

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

196 immediately electronically transferred to the appropriate county  
 197 sheriff's office by the central abuse 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 county sheriff's ~~appropriate law enforcement agency~~ office. The  
 227 department shall conduct an assessment and assist the family in  
 228 receiving appropriate services pursuant to s. 39.307, and send a  
 229 written report of the allegation to the appropriate county  
 230 sheriff's office within 48 hours after the initial report is  
 231 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 county sheriff's office ~~by the central abuse~~  
 236 ~~hotline~~, and send a written report to the appropriate county  
 237 sheriff's office within 48 hours after the initial report to the  
 238 central abuse hotline.

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

242 1. If the report is of an abandoned newborn infant as  
 243 described in s. 383.50 and there is no indication of abuse,  
 244 neglect, or abandonment other than that necessarily entailed in  
 245 the infant having been left at a hospital, emergency medical  
 246 services station, or fire station, the department shall provide  
 247 to the caller the name of a licensed child-placing agency on a  
 248 rotating basis from a list of licensed child-placing agencies  
 249 eligible and required to accept physical custody of and to place  
 250 newborn infants left at a hospital, emergency medical services  
 251 station, or fire station. The report shall not be considered a

252 report of abuse, neglect, or abandonment solely because the  
253 infant has been left at a hospital, emergency medical services  
254 station, or fire station pursuant to s. 383.50.

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

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

275 (i) The department shall voice-record all incoming or  
276 outgoing calls that are received or placed by the central abuse  
277 hotline which relate to suspected or known child abuse, neglect,  
278 or abandonment. The department shall maintain an electronic copy  
279 of each fax and web-based report. The recording or electronic

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

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

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

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

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

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

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

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

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

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

331 39.301 Initiation of protective investigations.--

332 (1) Upon receiving a ~~an oral or written~~ report of known or  
 333 suspected child abuse, abandonment, or neglect, or that a child  
 334 is in need of supervision and care and has no parent, legal  
 335 custodian, or responsible adult relative immediately known and

336 available to provide supervision and care, the central abuse  
 337 hotline shall determine if the report requires an immediate  
 338 onsite protective investigation. For reports requiring an  
 339 immediate onsite protective investigation, the central abuse  
 340 hotline shall immediately notify the department's designated  
 341 ~~children and families~~ district staff responsible for protective  
 342 investigations to ensure that an onsite investigation is  
 343 promptly initiated. For reports not requiring an immediate  
 344 onsite protective investigation, the central abuse hotline shall  
 345 notify the department's designated ~~children and families~~  
 346 district staff responsible for protective investigations in  
 347 sufficient time to allow for an investigation. At the time of  
 348 notification of district staff with respect to the report, the  
 349 central abuse hotline shall also provide information on any  
 350 previous report concerning a subject of the present report or  
 351 any pertinent information relative to the present report or any  
 352 noted earlier reports.

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

357 (a) There is an active, concurrent criminal investigation  
 358 that will continue beyond the 60-day period and the closure of  
 359 the protective investigation may compromise successful criminal  
 360 prosecution of the child abuse or neglect case, in which case  
 361 the closure date shall coincide with the closure date of the  
 362 criminal investigation and any resulting legal action.

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

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

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

376       39.307 Reports of child-on-child sexual abuse.--

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

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

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

385       2. The name and office telephone number of the person  
386 responding shall be provided to the caregiver of the alleged  
387 juvenile sexual offender or the child who has exhibited  
388 inappropriate sexual behavior and the victim's caregiver.

389       3. The possible consequences of the department's response,  
390 including outcomes and services, shall be explained to the

391 caregiver of the alleged juvenile sexual offender or the child  
 392 who has exhibited inappropriate sexual behavior and the victim's  
 393 ~~family or~~ caregiver.

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

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

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

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

414 (f) Based on the information obtained from the alleged  
 415 juvenile sexual offender or the child who exhibited  
 416 inappropriate sexual behavior, his or her ~~the alleged juvenile~~  
 417 ~~sexual offender's~~ caregiver, the victim, and the victim's  
 418 caregiver, an assessment service and treatment needs report must

419 be completed within 7 days and, if needed, a case plan developed  
420 within 30 days.

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

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

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

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

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

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

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



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

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

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

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

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

460 ~~(4)-(5)~~ Services provided to the alleged juvenile sexual  
461 offender or the child who has exhibited inappropriate sexual  
462 behavior, the victim, and respective caregivers or family ~~under~~  
463 ~~this section~~ shall be voluntary and of necessary duration.

464 ~~(5)-(4)~~ If ~~In the event~~ the family or caregiver of the  
465 alleged juvenile sexual offender or the child who has exhibited  
466 inappropriate sexual behavior fails to adequately participate or  
467 allow for the adequate participation of the child ~~juvenile~~  
468 ~~sexual offender~~ in the services or treatment delineated in the  
469 case plan, the case manager may recommend that the department:

470 (a) Close the case;

471 (b) Refer the case to mediation or arbitration, if  
472 available; or

473 (c) Notify the appropriate law enforcement agency of  
 474 failure to comply.

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

478 39.401 Taking a child alleged to be dependent into  
 479 custody; law enforcement officers and authorized agents of the  
 480 department.--

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

483 (a) Release the child to:

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

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

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

490 4. The adoptive parent of the child's sibling, if such  
 491 sibling was previously adopted, if it is in the best interest of  
 492 the child to do so; or

493 ~~5.4.~~ A responsible adult approved by the department; or

494 (b) Deliver the child to an authorized agent of the  
 495 department, stating the facts by reason of which the child was  
 496 taken into custody and sufficient information to establish  
 497 probable cause that the child is abandoned, abused, or  
 498 neglected, or otherwise dependent.

499

500 For cases involving allegations of abandonment, abuse, or

501 neglect, or other dependency cases, within 3 days after such  
502 release or within 3 days after delivering the child to an  
503 authorized agent of the department, the law enforcement officer  
504 who took the child into custody shall make a full written report  
505 to the department.

506 (3) If the child is taken into custody by, or is delivered  
507 to, an authorized agent of the department, the ~~authorized~~ agent  
508 shall review the facts supporting the removal with an attorney  
509 representing the department. The purpose of the ~~this~~ review is  
510 ~~shall be~~ to determine whether there is probable cause ~~exists~~ for  
511 the filing of a shelter petition.

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

515 (b) If the facts are sufficient ~~to support the filing of~~  
516 ~~the shelter petition~~ and the child has not been returned to the  
517 custody of the parent or legal custodian, the department shall  
518 file the petition and schedule a hearing, and the attorney  
519 representing the department shall request that a shelter hearing  
520 be held within ~~as quickly as possible, not to exceed~~ 24 hours  
521 after the removal of the child. While awaiting the shelter  
522 hearing, the authorized agent of the department may place the  
523 child in licensed shelter care or may release the child to a  
524 parent or legal custodian or responsible adult relative who  
525 shall be given priority consideration over a licensed placement,  
526 or a responsible adult approved by the department if ~~when~~ this  
527 is in the best interests of the child. ~~Any~~ Placement of a child  
528 which is not in a licensed shelter must be preceded by a

529 criminal history records check as required under s. 39.0138  
530 ~~local and state criminal records check, as well as a search of~~  
531 ~~the department's automated abuse information system, on all~~  
532 ~~members of the household, to assess the child's safety within~~  
533 ~~the home.~~ In addition, the department may authorize placement of  
534 a housekeeper/homemaker in the home of a child alleged to be  
535 dependent until the parent or legal custodian assumes care of  
536 the child.

537 (5) Judicial review and approval is required within 24  
538 hours after placement for all nonrelative placements. A  
539 nonrelative placement must be for a specific and predetermined  
540 period of time, not to exceed 12 months, and shall be reviewed  
541 by the court at least every 6 months. If the nonrelative  
542 placement continues for longer than 12 months, the department  
543 shall request the court to establish permanent guardianship or  
544 require that the nonrelative seek licensure as a foster care  
545 provider within 30 days after the court decision.

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

548 39.502 Notice, process, and service.--

549 (1) (a) Unless parental rights have been terminated, all  
550 parents must be notified of all proceedings or hearings  
551 involving the child. Notice in cases involving shelter hearings  
552 and hearings resulting from medical emergencies must be that  
553 most likely to result in actual notice to the parents. In all  
554 other dependency proceedings, notice must be provided in  
555 accordance with subsections (4) - (9).

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

560           (17) The parent or legal custodian of the child, the  
 561 attorney for the department, the guardian ad litem, the foster  
 562 parent, the preadoptive parent, and all other parties and  
 563 participants shall be given reasonable notice of all hearings  
 564 provided for under this part.

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

567           39.503 Identity or location of parent unknown; special  
 568 procedures.--

569           (6) The diligent search required by subsection (5) must  
 570 include, at a minimum, inquiries of all relatives of the parent  
 571 or prospective parent made known to the petitioner, inquiries of  
 572 all offices of program areas of the department likely to have  
 573 information about the parent or prospective parent, inquiries of  
 574 other state and federal agencies likely to have information  
 575 about the parent or prospective parent, inquiries of appropriate  
 576 utility and postal providers, a thorough search of at least one  
 577 electronic database specifically designed for locating persons,  
 578 a search of the putative father registry, and inquiries of  
 579 appropriate law enforcement agencies. Pursuant to s. 453 of the  
 580 Social Security Act, 42 U.S.C. s. 653(c)(4), the department, as  
 581 the state agency administering Titles IV-B and IV-E of the act,  
 582 along with any entity contracted by the department to perform  
 583 diligent searches, shall be provided access to the federal and

584 state parent locator service for diligent search activities. A  
585 search using an electronic database specifically designed for  
586 locating persons shall be accepted by the court as a sufficient  
587 diligent search provided the search tool encompasses all  
588 reasonably available public databases commonly used to locate  
589 missing persons.

590 Section 11. Section 39.504, Florida Statutes, is amended  
591 to read:

592 39.504 Injunction pending disposition of petition;  
593 penalty.--

594 (1) ~~(a)~~ At any time after a protective investigation has  
595 been initiated pursuant to part III ~~When a petition for shelter~~  
596 ~~placement or a petition for dependency has been filed or when a~~  
597 ~~child has been taken into custody and reasonable cause, as~~  
598 ~~defined in paragraph (b), exists,~~ the court, upon the request of  
599 the department, a law enforcement officer, the state attorney,  
600 or other responsible person, or upon its own motion, may, if  
601 there is reasonable cause, ~~shall have the authority to~~ issue an  
602 injunction to prevent any act of child abuse ~~or any unlawful~~  
603 ~~sexual offense involving a child.~~

604 ~~(b)~~ Reasonable cause for the issuance of an injunction  
605 exists if there is evidence of child abuse ~~or an unlawful sexual~~  
606 ~~offense involving a child~~ or if there is a reasonable likelihood  
607 of such abuse or offense occurring based upon a recent overt act  
608 or failure to act.

609 (2) Notice shall be provided to the parties as set forth  
610 in the Florida Rules of Juvenile Procedure, unless the child is  
611 reported to be in imminent danger, in which case the court may

612 issue an injunction immediately. A judge may issue an emergency  
613 injunction pursuant to this section without notice if ~~at times~~  
614 ~~when~~ the court is closed for the transaction of judicial  
615 business. If ~~When such~~ an immediate injunction is issued, the  
616 court must ~~shall~~ hold a hearing on the next day of judicial  
617 business ~~either~~ to dissolve the injunction or to continue or  
618 modify it in accordance with ~~the other provisions of this~~  
619 section.

620 (3)(a) If ~~In every instance in which~~ an injunction is  
621 issued under this section, the primary purpose of the injunction  
622 must be ~~shall be primarily~~ to protect and promote the best  
623 interests of the child, taking the preservation of the child's  
624 immediate family into consideration. ~~The effective period of the~~  
625 ~~injunction shall be determined by the court, except that the~~  
626 ~~injunction will expire at the time of the disposition of the~~  
627 ~~petition for shelter placement or dependency.~~

628 (a) ~~(b)~~ The injunction shall apply to the alleged or actual  
629 offender in a case of child abuse or acts of domestic violence  
630 ~~an unlawful sexual offense involving a child~~. The conditions of  
631 the injunction shall be determined by the court, which  
632 conditions may include ordering the alleged or actual offender  
633 to:

- 634 1. Refrain from further abuse or acts of domestic violence  
635 ~~unlawful sexual activity involving a child~~.
- 636 2. Participate in a specialized treatment program.
- 637 3. Limit contact or communication with the child ~~victim~~,  
638 other children in the home, or any other child.

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

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

642 6. Pay temporary support for the child or other family  
643 members; the costs of medical, psychiatric, and psychological  
644 treatment for the child ~~victim~~ incurred as a result of the  
645 offenses; and similar costs for other family members.

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

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

649 1. Awarding the exclusive use and possession of the  
650 dwelling to the caregiver or excluding the alleged or actual  
651 offender from the residence of the caregiver.

652 2. Awarding the temporary custody of the child to the  
653 caregiver.

654 3. Establishing temporary support for the child.

655

656 This paragraph does not preclude the adult victim of domestic  
657 violence from seeking protection under s. 741.30.

658 (c) The terms of the injunction shall remain in effect  
659 until modified or dissolved by the court. The petitioner,  
660 respondent, or caregiver may move at any time to modify or  
661 dissolve the injunction. The injunction is valid and enforceable  
662 in all counties in the state. ~~At any time prior to the~~  
663 ~~disposition of the petition, the alleged or actual offender may~~  
664 ~~offer the court evidence of changed circumstances as a ground to~~  
665 ~~dissolve or modify the injunction.~~



666           (4) The process of service to the respondent shall be  
 667 carried out pursuant to s. 741.30. The department shall deliver  
 668 a copy of any injunction issued pursuant to this section shall  
 669 be delivered to the protected party, or a parent or caregiver or  
 670 individual acting in the place of a parent who is not the  
 671 respondent, ~~and to any law enforcement agency having~~  
 672 ~~jurisdiction to enforce such injunction. Upon delivery of the~~  
 673 ~~injunction to the appropriate law enforcement agency, the agency~~  
 674 ~~shall have the duty and responsibility to enforce the~~  
 675 ~~injunction.~~ Law enforcement officers may exercise their arrest  
 676 powers as provided in s. 901.15(6) to enforce the terms of the  
 677 injunction.

678           (5) Any person who fails to comply with an injunction  
 679 issued pursuant to this section commits ~~is guilty of~~ a  
 680 misdemeanor of the first degree, punishable as provided in s.  
 681 775.082 or s. 775.083.

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

684           39.507 Adjudicatory hearings; orders of adjudication.--

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

691           (b) Upon a properly noticed motion, a subsequent  
 692 evidentiary hearing may be held regarding the conduct of one  
 693 parent, both parents, or a custodian. With court approval,

694 supplemental findings made beyond a preponderance of the  
695 evidence may be entered. However, the court must determine  
696 whether each parent or legal custodian identified in the case  
697 abused, abandoned, or neglected the child in a subsequent  
698 evidentiary hearing. If the evidentiary hearing is conducted  
699 subsequent to the adjudication of the child, the court shall  
700 supplement the adjudicatory order, disposition order, and the  
701 case plan, as necessary. The child's dependency status may not  
702 be retried or readjudicated.

703 (c) If a court adjudicates a child dependent and the child  
704 is in out-of-home care, the court shall inquire of the parent or  
705 parents whether the parents have relatives who might be  
706 considered as a placement for the child. The court shall advise  
707 the parents that, if the parents fail to substantially comply  
708 with the case plan, their parental rights may be terminated and  
709 that the child's out-of-home placement may become permanent. The  
710 parent or parents shall provide to the court and all parties  
711 identification and location information of the relatives.

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

714 39.521 Disposition hearings; powers of disposition.--

715 (1) A disposition hearing shall be conducted by the court,  
716 if the court finds that the facts alleged in the petition for  
717 dependency were proven in the adjudicatory hearing, or if the  
718 parents or legal custodians have consented to the finding of  
719 dependency or admitted the allegations in the petition, have  
720 failed to appear for the arraignment hearing after proper

721 notice, or have not been located despite a diligent search  
 722 having been conducted.

723 (a) A written case plan and a predisposition study  
 724 prepared by an authorized agent of the department must be filed  
 725 with the court and served upon the parents of the child,  
 726 provided to the representative of the guardian ad litem program,  
 727 if the program has been appointed, and provided to all other  
 728 parties, not less than 72 hours before the disposition hearing.  
 729 All such case plans must be approved by the court. If the court  
 730 does not approve the case plan at the disposition hearing, the  
 731 court must set a hearing within 30 days after the disposition  
 732 hearing to review and approve the case plan. The court may grant  
 733 an exception to the requirement for a predisposition study by  
 734 separate order or within the judge's order of disposition upon  
 735 finding that all information regarding the family and child  
 736 required by subsection (2) is available in other documents filed  
 737 with the court.

738 (f) If the court places the child in an out-of-home  
 739 placement, the disposition order must include a written  
 740 determination that the child cannot safely remain at home with  
 741 reunification or family preservation services and that removal  
 742 of the child is necessary to protect the child. If the child is  
 743 ~~has been~~ removed before the disposition hearing, the order must  
 744 also include a written determination as to whether, after  
 745 removal, the department ~~has~~ made a reasonable effort to reunify  
 746 the parent and child, ~~if reasonable efforts are required.~~  
 747 Reasonable efforts to reunify are not required if the court  
 748 finds ~~has found~~ that any of the acts listed in s. 39.806(1)(f) -

749 (i) have occurred. The department has the burden of  
750 demonstrating that it ~~has~~ made reasonable efforts ~~under this~~  
751 ~~paragraph~~.

752 1. For the purposes of this paragraph, the term  
753 "reasonable effort" means the exercise of reasonable diligence  
754 and care by the department to provide the services ordered by  
755 the court or delineated in the case plan.

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

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

760 b. If prevention or reunification efforts were indicated,  
761 include a brief written description of what appropriate and  
762 available prevention and reunification efforts were made.

763 c. Indicate in writing why further efforts could or could  
764 not have prevented or shortened the separation of the parent and  
765 child.

766 3. A court may find that the department has made a  
767 reasonable effort to prevent or eliminate the need for removal  
768 if:

769 a. The first contact of the department with the family  
770 occurs during an emergency;

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

776 c. The child cannot safely remain at home, ~~either~~ because  
 777 there are no preventive services that can ensure the health and  
 778 safety of the child or, even with appropriate and available  
 779 services being provided, the health and safety of the child  
 780 cannot be ensured; or

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

784 4. A reasonable effort by the department for reunification  
 785 ~~of the parent and child~~ has been made if the appraisal of the  
 786 home situation by the department indicates that the severity of  
 787 the conditions of dependency is such that reunification efforts  
 788 are inappropriate. The department has the burden of  
 789 demonstrating to the court that reunification efforts were  
 790 inappropriate.

791 5. If the court finds that the prevention or reunification  
 792 effort of the department would not have permitted the child to  
 793 remain safely at home, the court may commit the child to the  
 794 temporary legal custody of the department or take any other  
 795 action authorized by this chapter.

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

798 39.701 Judicial review.--

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

804 at which the date, time, and location of the hearing was  
 805 announced ~~upon~~:

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

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

811 (c) The parents.

812 (d) The guardian ad litem for the child, or the  
 813 representative of the guardian ad litem program if the program  
 814 has been appointed.

815 (e) The attorney for the child.

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

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

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

820  
 821 ~~Service of notice is not required on any of the persons listed~~  
 822 ~~in paragraphs (a) - (f) if the person was present at the previous~~  
 823 ~~hearing during which the date, time, and location of the hearing~~  
 824 ~~was announced.~~

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

827 63.0541 Public records exemption for the Florida Putative  
 828 Father Registry.--

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

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

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

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

841 322.142 Color photographic or digital imaged licenses.--

842 (4) The department may maintain a film negative or print  
 843 file. The department shall maintain a record of the digital  
 844 image and signature of the licensees, together with other data  
 845 required by the department for identification and retrieval.  
 846 Reproductions from the file or digital record are exempt from  
 847 the provisions of s. 119.07(1) and shall be made and issued only  
 848 for departmental administrative purposes; for the issuance of  
 849 duplicate licenses; in response to law enforcement agency  
 850 requests; to the Department of State pursuant to an interagency  
 851 agreement to facilitate determinations of eligibility of voter  
 852 registration applicants and registered voters in accordance with  
 853 ss. 98.045 and 98.075; to the Department of Revenue pursuant to  
 854 an interagency agreement for use in establishing paternity and  
 855 establishing, modifying, or enforcing support obligations in  
 856 Title IV-D cases; to the Department of Children and Family  
 857 Services pursuant to an interagency agreement to conduct  
 858 protective investigations under part III of chapter 39 and s.  
 859 415.104 and for purposes of expediting the determination of

860 eligibility for public assistance; or to the Department of  
861 Financial Services pursuant to an interagency agreement to  
862 facilitate the location of owners of unclaimed property, the  
863 validation of unclaimed property claims, and the identification  
864 of fraudulent or false claims, ~~and are exempt from the~~  
865 ~~provisions of s. 119.07(1).~~

866 Section 17. Section 402.401, Florida Statutes, is amended  
867 to read:

868 402.401 Florida Child Welfare Student Loan Forgiveness  
869 Program. --

870 (1) There is created the Florida Child Welfare Student  
871 Loan Forgiveness Program to be administered by the Department of  
872 Children and Family Services Education. The program shall  
873 provide loan reimbursement assistance to eligible employees in  
874 child welfare positions that are critical to the department's  
875 mission, as determined by the department, and that are within  
876 the department, a law enforcement agency, or a contracted  
877 community-based care agency ~~students for upper division~~  
878 ~~undergraduate and graduate study. The primary purpose of the~~  
879 ~~program is to attract capable and promising students to the~~  
880 ~~child welfare profession, increase employment and retention of~~  
881 ~~individuals who are working towards or who have received either~~  
882 ~~a bachelor's degree or a master's degree in social work, or any~~  
883 ~~human services subject area that qualifies the individual for~~  
884 ~~employment as a family services worker, and provide~~  
885 ~~opportunities for persons making midcareer decisions to enter~~  
886 ~~the child welfare profession. The State Board of Education shall~~  
887 ~~adopt rules necessary to administer the program.~~



888           (2) ~~(a)~~ To be eligible for a program loan, the employee's  
 889 outstanding student loans may not be in a default status. The  
 890 department shall adopt rules pursuant to ss. 120.536(1) and  
 891 120.54 necessary to administer the program. ~~a candidate shall:~~

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

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

902           3. ~~If applying for an undergraduate forgivable loan, have~~  
 903 ~~maintained a minimum cumulative grade point average of at least~~  
 904 ~~a 2.5 on a 4.0 scale for all undergraduate work. Renewal~~  
 905 ~~applicants for undergraduate loans shall have maintained a~~  
 906 ~~minimum cumulative grade point average of at least a 2.5 on a~~  
 907 ~~4.0 scale for all undergraduate work and have earned at least 12~~  
 908 ~~semester credits per term, or the equivalent.~~

909           4. ~~If applying for a graduate forgivable loan, have~~  
 910 ~~maintained an undergraduate cumulative grade point average of at~~  
 911 ~~least a 3.0 on a 4.0 scale or have attained a Graduate Record~~  
 912 ~~Examination score of at least 1,000. Renewal applicants for~~  
 913 ~~graduate loans shall have maintained a minimum cumulative grade~~  
 914 ~~point average of at least a 3.0 on a 4.0 scale for all graduate~~  
 915 ~~work and have earned at least 9 semester credits per term, or~~

916 ~~the equivalent.~~

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

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

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

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

929 ~~(d) The State Board of Education shall adopt by rule~~  
930 ~~repayment schedules and applicable interest rates under ss.~~  
931 ~~1009.82 and 1009.95. A forgivable loan must be repaid within 10~~  
932 ~~years after completion of a program of studies.~~

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

937 ~~2. Any forgivable loan recipient who fails to work at the~~  
938 ~~Department of Children and Family Services or its successor, or~~  
939 ~~with an eligible lead community-based provider as defined in s.~~  
940 ~~409.1671, is responsible for repaying the loan plus accrued~~  
941 ~~interest at 8 percent annually.~~

942 ~~3. Forgivable loan recipients may receive loan repayment~~  
943 ~~credit for child welfare service rendered at any time during the~~

944 ~~scheduled repayment period. However, such repayment credit shall~~  
 945 ~~be applicable only to the current principal and accrued interest~~  
 946 ~~balance that remains at the time the repayment credit is earned.~~  
 947 ~~No loan recipient shall be reimbursed for previous cash payments~~  
 948 ~~of principal and interest.~~

949 (3) This section shall be implemented only as specifically  
 950 funded.

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

953 409.1671 Foster care and related services; outsourcing.--

954 (1)

955 (h) Other than an entity to which s. 768.28 applies, any  
 956 eligible lead community-based provider, as defined in paragraph  
 957 (e), or its employees or officers, except as otherwise provided  
 958 in paragraph (i), must, as a part of its contract, obtain a  
 959 minimum of \$1 million per claim/\$3 million per incident in  
 960 general liability insurance coverage. The eligible lead  
 961 community-based provider must also require that staff who  
 962 transport client children and families in their personal  
 963 automobiles in order to carry out their job responsibilities  
 964 obtain minimum bodily injury liability insurance in the amount  
 965 of \$100,000 per claim, \$300,000 per incident, on their personal  
 966 automobiles. In lieu of such personal motor vehicle insurance,  
 967 the lead community-based provider's casualty, liability, or  
 968 motor vehicle insurance carrier may provide nonowned automobile  
 969 coverage that would provide the lead community-based provider  
 970 with coverage for automobiles that the lead community-based  
 971 provider does not own, lease, rent, or borrow and that are used

972 in connection with the lead community-based provider's business.  
973 This coverage includes automobiles owned by the lead community-  
974 based provider's employees or a member of their households but  
975 only when the automobile is used in connection with the lead  
976 community-based provider's business. The nonowned automobile  
977 coverage for the lead community-based provider would apply as  
978 excess coverage over any other collectible insurance. The  
979 personal automobile policy for the employee of the lead  
980 community-based provider would be primary, and the nonowned  
981 automobile coverage of the lead community-based provider would  
982 be excess. The lead community-based provider shall provide a  
983 minimum limit of \$1,000,000 in nonowned automobile coverage. In  
984 any tort action brought against such an eligible lead community-  
985 based provider or employee, net economic damages shall be  
986 limited to \$1 million per liability claim and \$100,000 per  
987 automobile claim, including, but not limited to, past and future  
988 medical expenses, wage loss, and loss of earning capacity,  
989 offset by any collateral source payment paid or payable. In any  
990 tort action brought against such an eligible lead community-  
991 based provider, noneconomic damages shall be limited to \$200,000  
992 per claim. A claims bill may be brought on behalf of a claimant  
993 pursuant to s. 768.28 for any amount exceeding the limits  
994 specified in this paragraph. Any offset of collateral source  
995 payments made as of the date of the settlement or judgment shall  
996 be in accordance with s. 768.76. The lead community-based  
997 provider shall not be liable in tort for the acts or omissions  
998 of its subcontractors or the officers, agents, or employees of  
999 its subcontractors.

1000 (j) Any subcontractor of an eligible lead community-based  
1001 provider, as defined in paragraph (e), which is a direct  
1002 provider of foster care and related services to children and  
1003 families, and its employees or officers, except as otherwise  
1004 provided in paragraph (i), must, as a part of its contract,  
1005 obtain a minimum of \$1 million per claim/\$3 million per incident  
1006 in general liability insurance coverage. The subcontractor of an  
1007 eligible lead community-based provider must also require that  
1008 staff who transport client children and families in their  
1009 personal automobiles in order to carry out their job  
1010 responsibilities obtain minimum bodily injury liability  
1011 insurance in the amount of \$100,000 per claim, \$300,000 per  
1012 incident, on their personal automobiles. In lieu of such  
1013 personal motor vehicle insurance, the subcontractor's casualty,  
1014 liability, or motor vehicle insurance carrier may provide  
1015 nonowned automobile coverage that would provide the  
1016 subcontractor with coverage for automobiles that the  
1017 subcontractor does not own, lease, rent, or borrow and that are  
1018 used in connection with the subcontractor's business. This  
1019 coverage includes automobiles owned by the subcontractor 's  
1020 employees or a member of their households but only when the  
1021 automobile is used in connection with the subcontractor's  
1022 business. The nonowned automobile coverage for the subcontractor  
1023 would apply as excess coverage over any other collectible  
1024 insurance. The personal automobile policy for the employee of  
1025 the subcontractor would be primary, and the nonowned automobile  
1026 coverage of the subcontractor would be excess. The subcontractor  
1027 shall provide a minimum limit of \$1,000,000 in nonowned

1028 automobile coverage. In any tort action brought against such  
 1029 subcontractor or employee, net economic damages shall be limited  
 1030 to \$1 million per liability claim and \$100,000 per automobile  
 1031 claim, including, but not limited to, past and future medical  
 1032 expenses, wage loss, and loss of earning capacity, offset by any  
 1033 collateral source payment paid or payable. In any tort action  
 1034 brought against such subcontractor, noneconomic damages shall be  
 1035 limited to \$200,000 per claim. A claims bill may be brought on  
 1036 behalf of a claimant pursuant to s. 768.28 for any amount  
 1037 exceeding the limits specified in this paragraph. Any offset of  
 1038 collateral source payments made as of the date of the settlement  
 1039 or judgment shall be in accordance with s. 768.76.

1040 Section 19. Paragraph (a) of subsection (4) of section  
 1041 409.175, Florida Statutes, is amended to read:

1042 409.175 Licensure of family foster homes, residential  
 1043 child-caring agencies, and child-placing agencies; public  
 1044 records exemption.--

1045 (4)(a) A person, family foster home, or residential child-  
 1046 caring agency may ~~shall~~ not provide ~~receive a child for~~  
 1047 continuing full-time child care or custody unless such person,  
 1048 home, or agency has first procured a license from the department  
 1049 to provide such care. This requirement does not apply to a  
 1050 person who is a relative of the child by blood, marriage, or  
 1051 adoption, or to a permanent legal guardian established under s.  
 1052 39.6221, ~~a person who has received the child from the~~  
 1053 ~~department,~~ a licensed child-placing agency, or an intermediary  
 1054 for the purposes of adoption pursuant to chapter 63.

1055 Section 20. Subsection (3) of section 787.04, Florida  
 1056 Statutes, is amended to read:

1057 787.04 Removing minors from state or concealing minors  
 1058 contrary to state agency order or court order.--

1059 (3) It is unlawful for any person, ~~with criminal intent,~~  
 1060 to knowingly and willfully lead, take, entice, or remove a minor  
 1061 beyond the limits of this state, or to knowingly and willfully  
 1062 conceal the location of a minor, during the pendency of a  
 1063 dependency proceeding affecting such minor or during the  
 1064 pendency of any investigation, action, or proceeding concerning  
 1065 the alleged abuse or neglect of such minor, after having  
 1066 received actual or constructive notice of the pendency of such  
 1067 investigation, action, or proceeding and without the permission  
 1068 of the state agency or court in which the investigation, action,  
 1069 or proceeding is pending.

1070 Section 21. Subsection (1) of section 937.021, Florida  
 1071 Statutes, is amended to read:

1072 937.021 Missing child reports.--

1073 (1) Upon the filing of a police report that a child is  
 1074 missing by the parent or guardian, the Department of Children  
 1075 and Family Services, a community-based care provider, or the  
 1076 appropriate law enforcement agency providing investigative  
 1077 services for the department, the law enforcement agency  
 1078 receiving the report shall immediately inform all on-duty law  
 1079 enforcement officers of the ~~existence of the~~ missing child  
 1080 report, communicate the report to every other law enforcement  
 1081 agency having jurisdiction in the county, and transmit the  
 1082 report for inclusion within the Florida Crime Information Center

1083 computer. A law enforcement agency may not require a reporter to  
 1084 present an order that a child be taken into custody or any other  
 1085 such order before accepting a report that a child is missing.

1086 Section 22. Paragraph (b) of subsection (3) of section  
 1087 39.0015, Florida Statutes, is amended to read:

1088 39.0015 Child abuse prevention training in the district  
 1089 school system.--

1090 (3) DEFINITIONS.--As used in this section:

1091 (b) "Child abuse" means those acts as defined in ss.  
 1092 39.01(1), (2), (32) ~~(31)~~, (42) ~~(41)~~, (44) ~~(43)~~, (56) ~~(55)~~, and  
 1093 (67) ~~(66)~~, 827.04, and 984.03(1), (2), and (37).

1094 Section 23. Subsection (5) of section 39.205, Florida  
 1095 Statutes, is amended to read:

1096 39.205 Penalties relating to reporting of child abuse,  
 1097 abandonment, or neglect.--

1098 (5) If the department or its authorized agent has  
 1099 determined after its investigation that a report is false, the  
 1100 department shall, with the consent of the alleged perpetrator,  
 1101 refer the report to the local law enforcement agency having  
 1102 jurisdiction for an investigation to determine whether  
 1103 sufficient evidence exists to refer the case for prosecution for  
 1104 filing a false report as defined in s. 39.01(29) ~~(28)~~. During the  
 1105 pendency of the investigation by the local law enforcement  
 1106 agency, the department must notify the local law enforcement  
 1107 agency of, and the local law enforcement agency must respond to,  
 1108 all subsequent reports concerning children in that same family  
 1109 in accordance with s. 39.301. If the law enforcement agency  
 1110 believes that there are indicators of abuse, abandonment, or



1111 neglect, it must immediately notify the department, which must  
 1112 assure the safety of the children. If the law enforcement agency  
 1113 finds sufficient evidence for prosecution for filing a false  
 1114 report, it must refer the case to the appropriate state attorney  
 1115 for prosecution.

1116 Section 24. Subsection (1) of section 39.302, Florida  
 1117 Statutes, is amended to read:

1118 39.302 Protective investigations of institutional child  
 1119 abuse, abandonment, or neglect.--

1120 (1) The department shall conduct a child protective  
 1121 investigation of each report of institutional child abuse,  
 1122 abandonment, or neglect. Upon receipt of a report that alleges  
 1123 that an employee or agent of the department, or any other entity  
 1124 or person covered by s. 39.01(33) or (47)~~(32) or (46)~~, acting in  
 1125 an official capacity, has committed an act of child abuse,  
 1126 abandonment, or neglect, the department shall initiate a child  
 1127 protective investigation within the timeframe established by the  
 1128 central abuse hotline under s. 39.201(5) and orally notify the  
 1129 appropriate state attorney, law enforcement agency, and  
 1130 licensing agency. These agencies shall immediately conduct a  
 1131 joint investigation, unless independent investigations are more  
 1132 feasible. When conducting investigations onsite or having face-  
 1133 to-face interviews with the child, such investigation visits  
 1134 shall be unannounced unless it is determined by the department  
 1135 or its agent that the unannounced visits would threaten the  
 1136 safety of the child. When a facility is exempt from licensing,  
 1137 the department shall inform the owner or operator of the  
 1138 facility of the report. Each agency conducting a joint

1139 investigation is entitled to full access to the information  
 1140 gathered by the department in the course of the investigation. A  
 1141 protective investigation must include an onsite visit of the  
 1142 child's place of residence. In all cases, the department shall  
 1143 make a full written report to the state attorney within 3  
 1144 working days after making the oral report. A criminal  
 1145 investigation shall be coordinated, whenever possible, with the  
 1146 child protective investigation of the department. Any interested  
 1147 person who has information regarding the offenses described in  
 1148 this subsection may forward a statement to the state attorney as  
 1149 to whether prosecution is warranted and appropriate. Within 15  
 1150 days after the completion of the investigation, the state  
 1151 attorney shall report the findings to the department and shall  
 1152 include in the report a determination of whether or not  
 1153 prosecution is justified and appropriate in view of the  
 1154 circumstances of the specific case.

1155 Section 25. Paragraphs (b) and (c) of subsection (2) of  
 1156 section 39.6011, Florida Statutes, are amended to read:

1157 39.6011 Case plan development.--

1158 (2) The case plan must be written simply and clearly in  
 1159 English and, if English is not the principal language of the  
 1160 child's parent, to the extent possible in the parent's principal  
 1161 language. Each case plan must contain:

1162 (b) The permanency goal as defined in s. 39.01(52)~~(51)~~.

1163 (c) If concurrent planning is being used, a description of  
 1164 the permanency goal of reunification with the parent or legal  
 1165 custodian in addition to a description of one of the remaining  
 1166 permanency goals described in s. 39.01(52)~~(51)~~.

1167 Section 26. Paragraph (a) of subsection (1) of section  
 1168 39.828, Florida Statutes, is amended to read:

1169 39.828 Grounds for appointment of a guardian advocate.--

1170 (1) The court shall appoint the person named in the  
 1171 petition as a guardian advocate with all the powers and duties  
 1172 specified in s. 39.829 for an initial term of 1 year upon a  
 1173 finding that:

1174 (a) The child named in the petition is or was a drug  
 1175 dependent newborn as described in s. 39.01(32) ~~(31)~~ ~~(g)~~;

1176 Section 27. Paragraph (d) of subsection (1) of section  
 1177 419.001, Florida Statutes, is amended to read:

1178 419.001 Site selection of community residential homes.--

1179 (1) For the purposes of this section, the following  
 1180 definitions shall apply:

1181 (d) "Resident" means any of the following: a frail elder  
 1182 as defined in s. 429.65; a physically disabled or handicapped  
 1183 person as defined in s. 760.22(7)(a); a developmentally disabled  
 1184 person as defined in s. 393.063; a nondangerous mentally ill  
 1185 person as defined in s. 394.455(18); or a child who is found to  
 1186 be dependent or a child in need of services as defined in s.  
 1187 39.01(15) ~~(14)~~, s. 984.03(9) or (12), or s. 985.03.

1188 Section 28. Effective upon this act becoming a law, and  
 1189 operating retroactively to June 29, 2008, subsection (3) of  
 1190 section 1 of chapter 2007-174, Laws of Florida, is amended to  
 1191 read:

1192 Section 1. Flexibility for the Department of Children and  
 1193 Family Services.--

1194 (3) This section expires June 30, 2009 ~~2008~~.

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1195 |           Section 29. Except as otherwise expressly provided in this  
1196 | act and except for this section, which shall take effect upon  
1197 | this act becoming a law, this act shall take effect July 1,  
1198 | 2008.