

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 | 39.621, F.S. ; requiring that an adoptive parent of a
56 | child's sibling be given the opportunity to apply to adopt

57 | such child if the child is available for adoption;
58 | requiring that such application be given priority
59 | consideration if it is in the best interest of the child;
60 | amending s. 39.701, F.S.; requiring that notice of a
61 | judicial review of a child's status be served on certain
62 | persons regardless of whether or not they attended a prior
63 | hearing at which the hearing was announced; amending s.
64 | 63.0541, F.S.; permitting certain information contained in
65 | the Florida Putative Father Registry to be disclosed to
66 | the department; amending s. 322.142, F.S.; authorizing the
67 | department to be provided copies of driver's license files
68 | maintained by the Department of Highway Safety and Motor
69 | Vehicles for the purpose of conducting protective
70 | investigations and expediting the determination of
71 | eligibility for public assistance; amending s. 402.401;
72 | providing for administration of the Florida Child Welfare
73 | Student Loan Forgiveness Program by the Department of
74 | Children and Family Services rather than the Department of
75 | Education; authorizing loan reimbursement to certain
76 | eligible employees; revising loan eligibility
77 | requirements; directing the Department of Children and
78 | Family Services to adopt rules to administer the program;
79 | amending s. 409.1671, F.S.; providing for certain coverage
80 | in lieu of personal motor vehicle insurance for
81 | automobiles not owned by a lead agency that are used for
82 | agency business; amending s. 409.175, F.S.; revising
83 | requirements for licensure as a foster home or child-
84 | caring agency; deleting the exemption from licensure for

85 persons who receive a child from the department;
86 clarifying that a permanent guardian is exempt from
87 licensure; amending s. 787.04, F.S.; prohibiting a person
88 from knowingly and willfully taking or removing a minor
89 from the state or concealing the location of a minor
90 during the pendency of a dependency proceeding or any
91 other action concerning alleged abuse or neglect of the
92 minor; amending s. 937.021, F.S.; requiring that a report
93 of a missing child made by the department, a community-
94 based care provider, or the appropriate law enforcement
95 agency be treated as a missing child report filed by a
96 parent or guardian; prohibiting a law enforcement agency
97 from requiring an order that a child be taken into custody
98 or any other such order before accepting a missing child
99 report for investigation; amending ss. 393.0661, 393.071,
100 393.125, 39.0015, 39.205, 39.302, 39.6011, 39.828, and
101 419.001, F.S.; conforming cross-references; amending s. 1,
102 ch. 2007-174, Laws of Florida; extending the date for the
103 repeal of provisions authorizing the reorganization of the
104 Department of Children and Family Services; providing
105 effective dates.

106
107 Be It Enacted by the Legislature of the State of Florida:

108
109 Section 1. Subsections (14) through (74) of section 39.01,
110 Florida Statutes, are renumbered as subsections (15) through
111 (75), respectively, and a new subsection (14) is added to that
112 section to read:

113 39.01 Definitions.--When used in this chapter, unless the
114 context otherwise requires:

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

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

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

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

131 (a) Provide comprehensive, explicit, and consistent
132 guidelines to be followed by the department's employees and
133 contracted providers when the whereabouts of a child involved
134 with the department is unknown.

135 (b) Include criteria to determine when a child is missing
136 for purposes of making a report to a law enforcement agency and
137 require that in all cases in which a law enforcement agency has
138 accepted a case for criminal investigation pursuant to s.

139 39.301(2)(c) and the child's whereabouts are unknown, the child
140 shall be considered missing and a report shall be made.

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

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

147 39.0138 Criminal history records check; limit on placement
 148 of a child.--

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

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

166 Section 4. Section 39.0141, Florida Statutes, is created
 167 to read:

168 39.0141 Missing children; report required.--Whenever the
 169 whereabouts of a child involved with the department becomes
 170 unknown, the department, the community-based care provider, or
 171 the appropriate law enforcement agency providing investigative
 172 services for the department shall make reasonable efforts, as
 173 defined by rule, to locate the child. If, pursuant to criteria
 174 established by rule, the child is determined to be missing, the
 175 department, the community-based care provider, or the
 176 appropriate law enforcement agency shall file a report that the
 177 child is missing in accordance with s. 937.021.

178 Section 5. Subsections (2), (4), and (7) of section
 179 39.201, Florida Statutes, are amended to read:

180 39.201 Mandatory reports of child abuse, abandonment, or
 181 neglect; mandatory reports of death; central abuse hotline.--

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

195 definitions shall be accepted for the protective investigation
196 pursuant to part III of this chapter.

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

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

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

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

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

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

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

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

244 (g) Reports involving abandoned newborn infants as
 245 described in s. 383.50 shall be made and received by the
 246 department.

247 1. If the report is of an abandoned newborn infant as
 248 described in s. 383.50 and there is no indication of abuse,
 249 neglect, or abandonment other than that necessarily entailed in
 250 the infant having been left at a hospital, emergency medical

251 services station, or fire station, the department shall provide
252 to the caller the name of a licensed child-placing agency on a
253 rotating basis from a list of licensed child-placing agencies
254 eligible and required to accept physical custody of and to place
255 newborn infants left at a hospital, emergency medical services
256 station, or fire station. The report shall not be considered a
257 report of abuse, neglect, or abandonment solely because the
258 infant has been left at a hospital, emergency medical services
259 station, or fire station pursuant to s. 383.50.

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

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

278 as provided to the identity of the reporter ~~caller~~ pursuant to
279 s. 39.202.

280 (i) The department shall voice-record all incoming or
281 outgoing calls that are received or placed by the central abuse
282 hotline which relate to suspected or known child abuse, neglect,
283 or abandonment. The department shall maintain an electronic copy
284 of each fax and web-based report. The recording or electronic
285 copy of each fax and web-based report shall become a part of the
286 record of the report but, notwithstanding s. 39.202, shall be
287 released in full only to law enforcement agencies and state
288 attorneys for the purpose of investigating and prosecuting
289 criminal charges pursuant to s. 39.205, or to employees of the
290 department for the purpose of investigating and seeking
291 administrative penalties pursuant to s. 39.206. Nothing in this
292 paragraph shall prohibit the use of the recordings, the
293 electronic copies of faxes, and web-based reports by hotline
294 staff for quality assurance and training.

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

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

306 (b) Monitor and evaluate the effectiveness of the
307 department's program for reporting and investigating suspected
308 abuse, abandonment, or neglect of children through the
309 development and analysis of statistical and other information.

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

313 (d) Maintain and produce aggregate statistical reports
314 monitoring patterns of child abuse, child abandonment, and child
315 neglect. The department shall collect and analyze child-on-child
316 sexual abuse reports and include the information in aggregate
317 statistical reports.

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

321 (f) Initiate and enter into agreements with other states
322 for the purpose of gathering and sharing information contained
323 in reports on child maltreatment to further enhance programs for
324 the protection of children.

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

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

336 39.301 Initiation of protective investigations.--

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

358 (16) The department shall complete its protective
359 investigation within ~~No later than~~ 60 days after receiving the
360 initial report, unless: ~~the local office of the department shall~~
361 ~~complete its investigation.~~

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

368 (b) In child death cases, the final report of the medical
369 examiner is necessary for the department to close its
370 investigation and the report has not been received within the
371 60-day period, in which case the report closure date shall be
372 extended to accommodate the medical examiner's final report.

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

379 Section 7. Subsections (2), (3), (4), and (5) of section
380 39.307, Florida Statutes, are amended to read:

381 39.307 Reports of child-on-child sexual abuse.--

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

384 (a) The purpose of the response to a report alleging
385 juvenile sexual abuse behavior shall be explained to the
386 caregiver.

387 1. The purpose of the response shall be explained in a
388 manner consistent with legislative purpose and intent provided
389 in this chapter.

390 2. The name and office telephone number of the person
391 responding shall be provided to the caregiver of the alleged
392 juvenile sexual offender or the child who has exhibited
393 inappropriate sexual behavior and the victim's caregiver.

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

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

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

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

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

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

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

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

431 2. Services accepted by alleged offender or child who has
432 exhibited inappropriate sexual behavior. Services were offered
433 to the alleged juvenile sexual offender or the child who has
434 exhibited inappropriate sexual behavior and accepted by the
435 caregiver.

436 3. Report closed. Services were offered to the alleged
437 juvenile sexual offender or the child who has exhibited
438 inappropriate sexual behavior, but were rejected by the
439 caregiver.

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

443 and notification of the alleged delinquent act or violation of
 444 law to the appropriate law enforcement agency was initiated.

445 5. Services accepted by victim. Services were offered to
 446 the victim ~~of the alleged juvenile sexual offender~~ and accepted
 447 by the caregiver.

448 6. Report closed. Services were offered to the victim of
 449 the alleged juvenile sexual offender, but were rejected by the
 450 caregiver.

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

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

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

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

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

465 ~~(4)-(5)~~ Services provided to the alleged juvenile sexual
 466 offender or the child who has exhibited inappropriate sexual
 467 behavior, the victim, and respective caregivers or family ~~under~~
 468 ~~this section~~ shall be voluntary and of necessary duration.

469 ~~(5)-(4)~~ If ~~In the event~~ the family or caregiver of the
 470 alleged juvenile sexual offender or the child who has exhibited

471 inappropriate sexual behavior fails to adequately participate or
 472 allow for the adequate participation of the child ~~juvenile~~
 473 ~~sexual-offender~~ in the services or treatment delineated in the
 474 case plan, the case manager may recommend that the department:

475 (a) Close the case;

476 (b) Refer the case to mediation or arbitration, if
 477 available; or

478 (c) Notify the appropriate law enforcement agency of
 479 failure to comply.

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

483 39.401 Taking a child alleged to be dependent into
 484 custody; law enforcement officers and authorized agents of the
 485 department.--

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

488 (a) Release the child to:

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

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

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

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

498 5.4- A responsible adult approved by the department; or

499 (b) Deliver the child to an authorized agent of the
500 department, stating the facts by reason of which the child was
501 taken into custody and sufficient information to establish
502 probable cause that the child is abandoned, abused, or
503 neglected, or otherwise dependent.

504
505 For cases involving allegations of abandonment, abuse, or
506 neglect, or other dependency cases, within 3 days after such
507 release or within 3 days after delivering the child to an
508 authorized agent of the department, the law enforcement officer
509 who took the child into custody shall make a full written report
510 to the department.

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

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

520 (b) If the facts are sufficient ~~to support the filing of~~
521 ~~the shelter petition~~ and the child has not been returned to the
522 custody of the parent or legal custodian, the department shall
523 file the petition and schedule a hearing, and the attorney
524 representing the department shall request that a shelter hearing
525 be held within ~~as quickly as possible, not to exceed~~ 24 hours
526 after the removal of the child. While awaiting the shelter

527 hearing, the authorized agent of the department may place the
528 child in licensed shelter care or may release the child to a
529 parent or legal custodian or responsible adult relative who
530 shall be given priority consideration over a licensed placement,
531 or a responsible adult approved by the department if ~~when~~ this
532 is in the best interests of the child. ~~Any~~ Placement of a child
533 which is not in a licensed shelter must be preceded by a
534 criminal history records check as required under s. 39.0138
535 ~~local and state criminal records check, as well as a search of~~
536 ~~the department's automated abuse information system, on all~~
537 ~~members of the household, to assess the child's safety within~~
538 ~~the home.~~ In addition, the department may authorize placement of
539 a housekeeper/homemaker in the home of a child alleged to be
540 dependent until the parent or legal custodian assumes care of
541 the child.

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

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

553 39.502 Notice, process, and service.--

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

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

565 (17) The parent or legal custodian of the child, the
 566 attorney for the department, the guardian ad litem, the foster
 567 parent, the preadoptive parent, and all other parties and
 568 participants shall be given reasonable notice of all hearings
 569 provided for under this part.

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

572 39.503 Identity or location of parent unknown; special
 573 procedures.--

574 (6) The diligent search required by subsection (5) must
 575 include, at a minimum, inquiries of all relatives of the parent
 576 or prospective parent made known to the petitioner, inquiries of
 577 all offices of program areas of the department likely to have
 578 information about the parent or prospective parent, inquiries of
 579 other state and federal agencies likely to have information
 580 about the parent or prospective parent, inquiries of appropriate
 581 utility and postal providers, a thorough search of at least one

582 electronic database specifically designed for locating persons,
583 a search of the putative father registry, and inquiries of
584 appropriate law enforcement agencies. Pursuant to s. 453 of the
585 Social Security Act, 42 U.S.C. s. 653(c)(4), the department, as
586 the state agency administering Titles IV-B and IV-E of the act,
587 along with any entity contracted by the department to perform
588 diligent searches, shall be provided access to the federal and
589 state parent locator service for diligent search activities. A
590 search using an electronic database specifically designed for
591 locating persons shall be accepted by the court as a sufficient
592 diligent search provided the search tool encompasses all
593 reasonably available public databases commonly used to locate
594 missing persons.

595 Section 11. Section 39.504, Florida Statutes, is amended
596 to read:

597 39.504 Injunction pending disposition of petition;
598 penalty.--

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

609 ~~(b)~~ Reasonable cause for the issuance of an injunction
 610 exists if there is evidence of child abuse ~~or an unlawful sexual~~
 611 ~~offense involving a child~~ or if there is a reasonable likelihood
 612 of such abuse or offense occurring based upon a recent overt act
 613 or failure to act.

614 (2) Notice shall be provided to the parties as set forth
 615 in the Florida Rules of Juvenile Procedure, unless the child is
 616 reported to be in imminent danger, in which case the court may
 617 issue an injunction immediately. A judge may issue an emergency
 618 injunction pursuant to this section without notice if at times
 619 ~~when~~ the court is closed for the transaction of judicial
 620 business. If ~~When such~~ an immediate injunction is issued, the
 621 court must ~~shall~~ hold a hearing on the next day of judicial
 622 business ~~either~~ to dissolve the injunction or to continue or
 623 modify it in accordance with ~~the other provisions of this~~
 624 section.

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

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

637 conditions may include ordering the alleged or actual offender
 638 to:

- 639 1. Refrain from further abuse or acts of domestic violence
- 640 ~~unlawful sexual activity involving a child.~~
- 641 2. Participate in a specialized treatment program.
- 642 3. Limit contact or communication with the child ~~victim,~~
- 643 other children in the home, or any other child.
- 644 4. Refrain from contacting the child at home, school,
- 645 work, or wherever the child may be found.
- 646 5. Have limited or supervised visitation with the child.
- 647 6. Pay temporary support for the child or other family
- 648 members; the costs of medical, psychiatric, and psychological
- 649 treatment for the child ~~victim~~ incurred as a result of the
- 650 offenses; and similar costs for other family members.
- 651 7. Vacate the home in which the child resides.

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

- 654 1. Awarding the exclusive use and possession of the
- 655 dwelling to the caregiver or excluding the alleged or actual
- 656 offender from the residence of the caregiver.
- 657 2. Awarding the temporary custody of the child to the
- 658 caregiver.
- 659 3. Establishing temporary support for the child.

660
 661 This paragraph does not preclude the adult victim of domestic
 662 violence from seeking protection under s. 741.30.

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

665 respondent, or caregiver may move at any time to modify or
 666 dissolve the injunction. The injunction is valid and enforceable
 667 in all counties in the state. ~~At any time prior to the~~
 668 ~~disposition of the petition, the alleged or actual offender may~~
 669 ~~offer the court evidence of changed circumstances as a ground to~~
 670 ~~dissolve or modify the injunction.~~

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

683 (5) Any person who fails to comply with an injunction
 684 issued pursuant to this section commits ~~is guilty of~~ a
 685 misdemeanor of the first degree, punishable as provided in s.
 686 775.082 or s. 775.083.

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

689 39.507 Adjudicatory hearings; orders of adjudication.--

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

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

696 (b) Upon a properly noticed motion, a subsequent
697 evidentiary hearing may be held regarding the conduct of one
698 parent, both parents, or a custodian. With court approval,
699 supplemental findings made beyond a preponderance of the
700 evidence may be entered. However, the court must determine
701 whether each parent or legal custodian identified in the case
702 abused, abandoned, or neglected the child in a subsequent
703 evidentiary hearing. If the evidentiary hearing is conducted
704 subsequent to the adjudication of the child, the court shall
705 supplement the adjudicatory order, disposition order, and the
706 case plan, as necessary. The child's dependency status may not
707 be retried or readjudicated.

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

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

719 39.521 Disposition hearings; powers of disposition.--

720 (1) A disposition hearing shall be conducted by the court,
721 if the court finds that the facts alleged in the petition for
722 dependency were proven in the adjudicatory hearing, or if the
723 parents or legal custodians have consented to the finding of
724 dependency or admitted the allegations in the petition, have
725 failed to appear for the arraignment hearing after proper
726 notice, or have not been located despite a diligent search
727 having been conducted.

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

743 (f) If the court places the child in an out-of-home
744 placement, the disposition order must include a written
745 determination that the child cannot safely remain at home with
746 reunification or family preservation services and that removal
747 of the child is necessary to protect the child. If the child is

748 ~~has been~~ removed before the disposition hearing, the order must
749 also include a written determination as to whether, after
750 removal, the department ~~has~~ made a reasonable effort to reunify
751 the parent and child, ~~if reasonable efforts are required~~.
752 Reasonable efforts to reunify are not required if the court
753 finds ~~has found~~ that any of the acts listed in s. 39.806(1)(f) -
754 (i) have occurred. The department has the burden of
755 demonstrating that it ~~has~~ made reasonable efforts ~~under this~~
756 ~~paragraph~~.

757 1. For the purposes of this paragraph, the term
758 "reasonable effort" means the exercise of reasonable diligence
759 and care by the department to provide the services ordered by
760 the court or delineated in the case plan.

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

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

765 b. If prevention or reunification efforts were indicated,
766 include a brief written description of what appropriate and
767 available prevention and reunification efforts were made.

768 c. Indicate in writing why further efforts could or could
769 not have prevented or shortened the separation of the parent and
770 child.

771 3. A court may find that the department has made a
772 reasonable effort to prevent or eliminate the need for removal
773 if:

774 a. The first contact of the department with the family
775 occurs during an emergency;

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

781 c. The child cannot safely remain at home, ~~either~~ because
782 there are no preventive services that can ensure the health and
783 safety of the child or, even with appropriate and available
784 services being provided, the health and safety of the child
785 cannot be ensured; or

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

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

796 5. If the court finds that the prevention or reunification
797 effort of the department would not have permitted the child to
798 remain safely at home, the court may commit the child to the
799 temporary legal custody of the department or take any other
800 action authorized by this chapter.

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

803 39.621 Permanency determination by the court.--

804 (6) If a child will not be reunited with a parent,
 805 adoption, under chapter 63, is the primary permanency option. If
 806 the child is a sibling of a previously adopted child and the
 807 child becomes available for adoption, the adoptive parent of the
 808 previously placed sibling shall be offered the opportunity to
 809 apply to adopt the child and the adoptive parent's application
 810 shall be given priority consideration if it is in the best
 811 interest of the child. If the child is placed with a relative or
 812 with a relative of the child's half-brother or half-sister as a
 813 permanency option, the court may recognize the permanency of
 814 this placement without requiring the relative to adopt the
 815 child. If the court approves a permanency goal of permanent
 816 guardianship of a dependent child, placement with a fit and
 817 willing relative, or another planned permanent living
 818 arrangement, the court shall make findings as to why this
 819 permanent placement is established without adoption of the child
 820 to follow. If the court approves a permanency goal of another
 821 planned permanent living arrangement, the court shall document
 822 the compelling reasons for choosing this goal.

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

825 39.701 Judicial review.--

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

831 at which the date, time, and location of the hearing was
 832 announced upon:

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

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

838 (c) The parents.

839 (d) The guardian ad litem for the child, or the
 840 representative of the guardian ad litem program if the program
 841 has been appointed.

842 (e) The attorney for the child.

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

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

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

847
 848 ~~Service of notice is not required on any of the persons listed~~
 849 ~~in paragraphs (a) - (f) if the person was present at the previous~~
 850 ~~hearing during which the date, time, and location of the hearing~~
 851 ~~was announced.~~

852 Section 16. Paragraph (d) is added to subsection (1) of
 853 section 63.0541, Florida Statutes, to read:

854 63.0541 Public records exemption for the Florida Putative
 855 Father Registry.--

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

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

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

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

868 322.142 Color photographic or digital imaged licenses.--

869 (4) The department may maintain a film negative or print
870 file. The department shall maintain a record of the digital
871 image and signature of the licensees, together with other data
872 required by the department for identification and retrieval.
873 Reproductions from the file or digital record are exempt from
874 the provisions of s. 119.07(1) and shall be made and issued only
875 for departmental administrative purposes; for the issuance of
876 duplicate licenses; in response to law enforcement agency
877 requests; to the Department of State pursuant to an interagency
878 agreement to facilitate determinations of eligibility of voter
879 registration applicants and registered voters in accordance with
880 ss. 98.045 and 98.075; to the Department of Revenue pursuant to
881 an interagency agreement for use in establishing paternity and
882 establishing, modifying, or enforcing support obligations in
883 Title IV-D cases; to the Department of Children and Family
884 Services pursuant to an interagency agreement to conduct
885 protective investigations under part III of chapter 39 and s.
886 415.104 and for purposes of expediting the determination of

887 eligibility for public assistance; or to the Department of
 888 Financial Services pursuant to an interagency agreement to
 889 facilitate the location of owners of unclaimed property, the
 890 validation of unclaimed property claims, and the identification
 891 of fraudulent or false claims, ~~and are exempt from the~~
 892 ~~provisions of s. 119.07(1).~~

893 Section 18. Section 402.401, Florida Statutes, is amended
 894 to read:

895 402.401 Florida Child Welfare Student Loan Forgiveness
 896 Program.--

897 (1) There is created the Florida Child Welfare Student
 898 Loan Forgiveness Program to be administered by the Department of
 899 Children and Family Services Education. The program shall
 900 provide loan reimbursement assistance to eligible employees in
 901 child welfare positions that are critical to the department's
 902 mission, as determined by the department, and that are within
 903 the department, a law enforcement agency, or a contracted
 904 community-based care agency ~~students for upper division~~
 905 ~~undergraduate and graduate study. The primary purpose of the~~
 906 ~~program is to attract capable and promising students to the~~
 907 ~~child welfare profession, increase employment and retention of~~
 908 ~~individuals who are working towards or who have received either~~
 909 ~~a bachelor's degree or a master's degree in social work, or any~~
 910 ~~human services subject area that qualifies the individual for~~
 911 ~~employment as a family services worker, and provide~~
 912 ~~opportunities for persons making midcareer decisions to enter~~
 913 ~~the child welfare profession. The State Board of Education shall~~
 914 ~~adopt rules necessary to administer the program.~~

915 (2) ~~(a)~~ To be eligible for a program loan, the employee's
 916 outstanding student loans may not be in a default status. The
 917 department shall adopt rules pursuant to ss. 120.536(1) and
 918 120.54 necessary to administer the program. ~~a candidate shall:~~

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

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

929 3. ~~If applying for an undergraduate forgivable loan, have~~
 930 ~~maintained a minimum cumulative grade point average of at least~~
 931 ~~a 2.5 on a 4.0 scale for all undergraduate work. Renewal~~
 932 ~~applicants for undergraduate loans shall have maintained a~~
 933 ~~minimum cumulative grade point average of at least a 2.5 on a~~
 934 ~~4.0 scale for all undergraduate work and have earned at least 12~~
 935 ~~semester credits per term, or the equivalent.~~

936 4. ~~If applying for a graduate forgivable loan, have~~
 937 ~~maintained an undergraduate cumulative grade point average of at~~
 938 ~~least a 3.0 on a 4.0 scale or have attained a Graduate Record~~
 939 ~~Examination score of at least 1,000. Renewal applicants for~~
 940 ~~graduate loans shall have maintained a minimum cumulative grade~~
 941 ~~point average of at least a 3.0 on a 4.0 scale for all graduate~~
 942 ~~work and have earned at least 9 semester credits per term, or~~

943 ~~the equivalent.~~

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

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

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

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

956 ~~(d) The State Board of Education shall adopt by rule~~
957 ~~repayment schedules and applicable interest rates under ss.~~
958 ~~1009.82 and 1009.95. A forgivable loan must be repaid within 10~~
959 ~~years after completion of a program of studies.~~

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

964 ~~2. Any forgivable loan recipient who fails to work at the~~
965 ~~Department of Children and Family Services or its successor, or~~
966 ~~with an eligible lead community-based provider as defined in s.~~
967 ~~409.1671, is responsible for repaying the loan plus accrued~~
968 ~~interest at 8 percent annually.~~

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

971 ~~scheduled repayment period. However, such repayment credit shall~~
 972 ~~be applicable only to the current principal and accrued interest~~
 973 ~~balance that remains at the time the repayment credit is earned.~~
 974 ~~No loan recipient shall be reimbursed for previous cash payments~~
 975 ~~of principal and interest.~~

976 (3) This section shall be implemented only as specifically
 977 funded.

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

980 409.1671 Foster care and related services; outsourcing.--

981 (1)

982 (h) Other than an entity to which s. 768.28 applies, any
 983 eligible lead community-based provider, as defined in paragraph
 984 (e), or its employees or officers, except as otherwise provided
 985 in paragraph (i), must, as a part of its contract, obtain a
 986 minimum of \$1 million per claim/\$3 million per incident in
 987 general liability insurance coverage. The eligible lead
 988 community-based provider must also require that staff who
 989 transport client children and families in their personal
 990 automobiles in order to carry out their job responsibilities
 991 obtain minimum bodily injury liability insurance in the amount
 992 of \$100,000 per claim, \$300,000 per incident, on their personal
 993 automobiles. In lieu of such personal motor vehicle insurance,
 994 the lead community-based provider's casualty, liability, or
 995 motor vehicle insurance carrier may provide nonowned automobile
 996 coverage that would provide the lead community-based provider
 997 with coverage for automobiles that the lead community-based
 998 provider does not own, lease, rent, or borrow and that are used

999 in connection with the lead community-based provider's business.
 1000 This coverage includes automobiles owned by the lead community-
 1001 based provider's employees or a member of their households but
 1002 only when the automobile is used in connection with the lead
 1003 community-based provider's business. The nonowned automobile
 1004 coverage for the lead community-based provider would apply as
 1005 excess coverage over any other collectible insurance. The
 1006 personal automobile policy for the employee of the lead
 1007 community-based provider would be primary, and the nonowned
 1008 automobile coverage of the lead community-based provider would
 1009 be excess. The lead community-based provider shall provide a
 1010 minimum limit of \$1,000,000 in nonowned automobile coverage. In
 1011 any tort action brought against such an eligible lead community-
 1012 based provider or employee, net economic damages shall be
 1013 limited to \$1 million per liability claim and \$100,000 per
 1014 automobile claim, including, but not limited to, past and future
 1015 medical expenses, wage loss, and loss of earning capacity,
 1016 offset by any collateral source payment paid or payable. In any
 1017 tort action brought against such an eligible lead community-
 1018 based provider, noneconomic damages shall be limited to \$200,000
 1019 per claim. A claims bill may be brought on behalf of a claimant
 1020 pursuant to s. 768.28 for any amount exceeding the limits
 1021 specified in this paragraph. Any offset of collateral source
 1022 payments made as of the date of the settlement or judgment shall
 1023 be in accordance with s. 768.76. The lead community-based
 1024 provider shall not be liable in tort for the acts or omissions
 1025 of its subcontractors or the officers, agents, or employees of
 1026 its subcontractors.

1027 (j) Any subcontractor of an eligible lead community-based
 1028 provider, as defined in paragraph (e), which is a direct
 1029 provider of foster care and related services to children and
 1030 families, and its employees or officers, except as otherwise
 1031 provided in paragraph (i), must, as a part of its contract,
 1032 obtain a minimum of \$1 million per claim/\$3 million per incident
 1033 in general liability insurance coverage. The subcontractor of an
 1034 eligible lead community-based provider must also require that
 1035 staff who transport client children and families in their
 1036 personal automobiles in order to carry out their job
 1037 responsibilities obtain minimum bodily injury liability
 1038 insurance in the amount of \$100,000 per claim, \$300,000 per
 1039 incident, on their personal automobiles. In lieu of such
 1040 personal motor vehicle insurance, the subcontractor's casualty,
 1041 liability, or motor vehicle insurance carrier may provide
 1042 nonowned automobile coverage that would provide the
 1043 subcontractor with coverage for automobiles that the
 1044 subcontractor does not own, lease, rent, or borrow and that are
 1045 used in connection with the subcontractor's business. This
 1046 coverage includes automobiles owned by the subcontractor 's
 1047 employees or a member of their households but only when the
 1048 automobile is used in connection with the subcontractor's
 1049 business. The nonowned automobile coverage for the subcontractor
 1050 would apply as excess coverage over any other collectible
 1051 insurance. The personal automobile policy for the employee of
 1052 the subcontractor would be primary, and the nonowned automobile
 1053 coverage of the subcontractor would be excess. The subcontractor
 1054 shall provide a minimum limit of \$1,000,000 in nonowned

1055 automobile coverage. In any tort action brought against such
 1056 subcontractor or employee, net economic damages shall be limited
 1057 to \$1 million per liability claim and \$100,000 per automobile
 1058 claim, including, but not limited to, past and future medical
 1059 expenses, wage loss, and loss of earning capacity, offset by any
 1060 collateral source payment paid or payable. In any tort action
 1061 brought against such subcontractor, noneconomic damages shall be
 1062 limited to \$200,000 per claim. A claims bill may be brought on
 1063 behalf of a claimant pursuant to s. 768.28 for any amount
 1064 exceeding the limits specified in this paragraph. Any offset of
 1065 collateral source payments made as of the date of the settlement
 1066 or judgment shall be in accordance with s. 768.76.

1067 Section 20. Paragraph (a) of subsection (4) of section
 1068 409.175, Florida Statutes, is amended to read:

1069 409.175 Licensure of family foster homes, residential
 1070 child-caring agencies, and child-placing agencies; public
 1071 records exemption.--

1072 (4)(a) A person, family foster home, or residential child-
 1073 caring agency may ~~shall~~ not provide ~~receive a child for~~
 1074 continuing full-time child care or custody unless such person,
 1075 home, or agency has first procured a license from the department
 1076 to provide such care. This requirement does not apply to a
 1077 person who is a relative of the child by blood, marriage, or
 1078 adoption, or to a permanent legal guardian established under s.
 1079 39.6221, ~~a person who has received the child from the~~
 1080 ~~department,~~ a licensed child-placing agency, or an intermediary
 1081 for the purposes of adoption pursuant to chapter 63.

1082 Section 21. Subsection (3) of section 787.04, Florida
 1083 Statutes, is amended to read:

1084 787.04 Removing minors from state or concealing minors
 1085 contrary to state agency order or court order.--

1086 (3) It is unlawful for any person, ~~with criminal intent,~~
 1087 to knowingly and willfully lead, take, entice, or remove a minor
 1088 beyond the limits of this state, or to knowingly and willfully
 1089 conceal the location of a minor, during the pendency of a
 1090 dependency proceeding affecting such minor or during the
 1091 pendency of any investigation, action, or proceeding concerning
 1092 the alleged abuse or neglect of such minor, after having
 1093 received actual or constructive notice of the pendency of such
 1094 investigation, action, or proceeding and without the permission
 1095 of the state agency or court in which the investigation, action,
 1096 or proceeding is pending.

1097 Section 22. Subsection (1) of section 937.021, Florida
 1098 Statutes, is amended to read:

1099 937.021 Missing child reports.--

1100 (1) Upon the filing of a police report that a child is
 1101 missing by the parent or guardian, the Department of Children
 1102 and Family Services, a community-based care provider, or the
 1103 appropriate law enforcement agency providing investigative
 1104 services for the department, the law enforcement agency
 1105 receiving the report shall immediately inform all on-duty law
 1106 enforcement officers of the ~~existence of the~~ missing child
 1107 report, communicate the report to every other law enforcement
 1108 agency having jurisdiction in the county, and transmit the
 1109 report for inclusion within the Florida Crime Information Center

1110 computer. A law enforcement agency may not require a reporter to
 1111 present an order that a child be taken into custody or any other
 1112 such order before accepting a report that a child is missing.

1113 Section 23. Paragraph (b) of subsection (3) of section
 1114 39.0015, Florida Statutes, is amended to read:

1115 39.0015 Child abuse prevention training in the district
 1116 school system.--

1117 (3) DEFINITIONS.--As used in this section:

1118 (b) "Child abuse" means those acts as defined in ss.
 1119 39.01(1), (2), (32) ~~(31)~~, (42) ~~(41)~~, (44) ~~(43)~~, (56) ~~(55)~~, and
 1120 (67) ~~(66)~~, 827.04, and 984.03(1), (2), and (37).

1121 Section 24. Subsection (5) of section 39.205, Florida
 1122 Statutes, is amended to read:

1123 39.205 Penalties relating to reporting of child abuse,
 1124 abandonment, or neglect.--

1125 (5) If the department or its authorized agent has
 1126 determined after its investigation that a report is false, the
 1127 department shall, with the consent of the alleged perpetrator,
 1128 refer the report to the local law enforcement agency having
 1129 jurisdiction for an investigation to determine whether
 1130 sufficient evidence exists to refer the case for prosecution for
 1131 filing a false report as defined in s. 39.01(29) ~~(28)~~. During the
 1132 pendency of the investigation by the local law enforcement
 1133 agency, the department must notify the local law enforcement
 1134 agency of, and the local law enforcement agency must respond to,
 1135 all subsequent reports concerning children in that same family
 1136 in accordance with s. 39.301. If the law enforcement agency
 1137 believes that there are indicators of abuse, abandonment, or

1138 neglect, it must immediately notify the department, which must
 1139 assure the safety of the children. If the law enforcement agency
 1140 finds sufficient evidence for prosecution for filing a false
 1141 report, it must refer the case to the appropriate state attorney
 1142 for prosecution.

1143 Section 25. Subsection (1) of section 39.302, Florida
 1144 Statutes, is amended to read:

1145 39.302 Protective investigations of institutional child
 1146 abuse, abandonment, or neglect.--

1147 (1) The department shall conduct a child protective
 1148 investigation of each report of institutional child abuse,
 1149 abandonment, or neglect. Upon receipt of a report that alleges
 1150 that an employee or agent of the department, or any other entity
 1151 or person covered by s. 39.01(33) or (47)~~(32)~~ or ~~(46)~~, acting in
 1152 an official capacity, has committed an act of child abuse,
 1153 abandonment, or neglect, the department shall initiate a child
 1154 protective investigation within the timeframe established by the
 1155 central abuse hotline under s. 39.201(5) and orally notify the
 1156 appropriate state attorney, law enforcement agency, and
 1157 licensing agency. These agencies shall immediately conduct a
 1158 joint investigation, unless independent investigations are more
 1159 feasible. When conducting investigations onsite or having face-
 1160 to-face interviews with the child, such investigation visits
 1161 shall be unannounced unless it is determined by the department
 1162 or its agent that the unannounced visits would threaten the
 1163 safety of the child. When a facility is exempt from licensing,
 1164 the department shall inform the owner or operator of the
 1165 facility of the report. Each agency conducting a joint

1166 investigation is entitled to full access to the information
 1167 gathered by the department in the course of the investigation. A
 1168 protective investigation must include an onsite visit of the
 1169 child's place of residence. In all cases, the department shall
 1170 make a full written report to the state attorney within 3
 1171 working days after making the oral report. A criminal
 1172 investigation shall be coordinated, whenever possible, with the
 1173 child protective investigation of the department. Any interested
 1174 person who has information regarding the offenses described in
 1175 this subsection may forward a statement to the state attorney as
 1176 to whether prosecution is warranted and appropriate. Within 15
 1177 days after the completion of the investigation, the state
 1178 attorney shall report the findings to the department and shall
 1179 include in the report a determination of whether or not
 1180 prosecution is justified and appropriate in view of the
 1181 circumstances of the specific case.

1182 Section 26. Paragraphs (b) and (c) of subsection (2) of
 1183 section 39.6011, Florida Statutes, are amended to read:

1184 39.6011 Case plan development.--

1185 (2) The case plan must be written simply and clearly in
 1186 English and, if English is not the principal language of the
 1187 child's parent, to the extent possible in the parent's principal
 1188 language. Each case plan must contain:

1189 (b) The permanency goal as defined in s. 39.01(52)~~(51)~~.

1190 (c) If concurrent planning is being used, a description of
 1191 the permanency goal of reunification with the parent or legal
 1192 custodian in addition to a description of one of the remaining
 1193 permanency goals described in s. 39.01(52)~~(51)~~.

1194 Section 27. Paragraph (a) of subsection (1) of section
 1195 39.828, Florida Statutes, is amended to read:

1196 39.828 Grounds for appointment of a guardian advocate.--

1197 (1) The court shall appoint the person named in the
 1198 petition as a guardian advocate with all the powers and duties
 1199 specified in s. 39.829 for an initial term of 1 year upon a
 1200 finding that:

1201 (a) The child named in the petition is or was a drug
 1202 dependent newborn as described in s. 39.01(32) ~~(31)~~ ~~(g)~~;

1203 Section 28. Paragraph (d) of subsection (1) of section
 1204 419.001, Florida Statutes, is amended to read:

1205 419.001 Site selection of community residential homes.--

1206 (1) For the purposes of this section, the following
 1207 definitions shall apply:

1208 (d) "Resident" means any of the following: a frail elder
 1209 as defined in s. 429.65; a physically disabled or handicapped
 1210 person as defined in s. 760.22(7)(a); a developmentally disabled
 1211 person as defined in s. 393.063; a nondangerous mentally ill
 1212 person as defined in s. 394.455(18); or a child who is found to
 1213 be dependent or a child in need of services as defined in s.
 1214 39.01(15) ~~(14)~~, s. 984.03(9) or (12), or s. 985.03.

1215 Section 29. Effective upon this act becoming a law, and
 1216 operating retroactively to June 29, 2008, subsection (3) of
 1217 section 1 of chapter 2007-174, Laws of Florida, is amended to
 1218 read:

1219 Section 1. Flexibility for the Department of Children and
 1220 Family Services.--

1221 (3) This section expires June 30, 2009 ~~2008~~.

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1222 Section 30. Except as otherwise expressly provided in this
1223 act and except for this section, which shall take effect upon
1224 this act becoming a law, this act shall take effect July 1,
1225 2008.