

1                   A bill to be entitled  
2           An act relating to child protection; amending s. 39.01,  
3           F.S.; redefining the terms "abandoned" and "harm";  
4           defining the term "child who has exhibited inappropriate  
5           sexual behavior"; amending s. 39.0121, F.S.; authorizing  
6           the Department of Children and Family Services to adopt  
7           rules providing for locating and recovering missing  
8           children who are involved with the department; providing  
9           requirements for reports; amending s. 39.0138, F.S.;  
10          requiring a criminal history check of persons being  
11          considered for placement of a child to include a search of  
12          the department's automated abuse information system;  
13          authorizing the department to adopt rules establishing  
14          standards for evaluating such information; creating s.  
15          39.0141, F.S.; requiring the department, the community-  
16          based care provider, or sheriff's office to file a report  
17          following a determination that a child involved with the  
18          department is missing; amending s. 39.201, F.S.; revising  
19          provisions relating to reporting child abuse, abandonment,  
20          or neglect to the central abuse hotline to allow for  
21          reports by fax or web-based report; amending s. 39.301,  
22          F.S.; conforming provisions to changes made by the act;  
23          providing certain exceptions to the requirements that a  
24          child protective investigation be closed within 60 days;  
25          amending s. 39.307, F.S.; revising provision relating to  
26          the provision of services to a child in cases of child-on-  
27          child sexual abuse to include a child who has exhibited  
28          inappropriate sexual behavior; amending s. 39.401, F.S.;

29 requiring a law enforcement officer who takes a child into  
30 custody to release such child to an adoptive parent of the  
31 child's sibling; authorizing the department to release a  
32 child awaiting a shelter hearing to an adoptive parent of  
33 the child's sibling; requiring judicial approval for the  
34 placement of a child with a nonrelative; amending s.  
35 39.502, F.S.; providing for notice to foster or  
36 preadoptive parents of any hearings involving the child in  
37 their care; amending s. 39.503, F.S.; revising the minimum  
38 inquiries a petitioner for dependency or shelter must make  
39 in trying to locate an identified parent or prospective  
40 parent; amending s. 39.504, F.S.; revising procedures  
41 related to injunctions issued to protect a child;  
42 requiring that such injunctions remain in effect until  
43 modified or dissolved by the court; amending s. 39.507,  
44 F.S.; limiting a court to one order adjudicating  
45 dependency; providing for supplemental findings; amending  
46 s. 39.521, F.S.; providing an exception from the  
47 requirement for a predisposition study in dependency  
48 proceedings; conforming cross-references; authorizing the  
49 court to place a dependent child with the adoptive parent  
50 of the child's sibling if no fit parent is willing or  
51 available to assume care and custody; amending s. 39.701,  
52 F.S.; requiring that notice of a judicial review of a  
53 child's status be served on certain persons regardless of  
54 whether they attended a prior hearing at which the hearing  
55 was announced; amending s. 39.8055, F.S.; revising  
56 provisions relating to filing a petition to terminate

57 | parental rights; expanding the grounds for terminating  
58 | parental rights to include conviction for the murder,  
59 | manslaughter, or conspiracy to murder another child of the  
60 | parent; amending s. 39.806, F.S.; adding additional  
61 | grounds for terminating parental rights; amending s.  
62 | 322.142, F.S.; authorizing the Department of Children and  
63 | Family Services to be provided copies of driver's license  
64 | files maintained by the Department of Highway Safety and  
65 | Motor Vehicles for the purpose of conducting protective  
66 | investigations; amending s. 402.401, F.S., relating to the  
67 | Florida Child Welfare Student Loan Forgiveness Program;  
68 | transferring administration of the program to the  
69 | Department of Children and Family Services; amending s.  
70 | 409.1671, F.S.; providing that a community-based provider  
71 | or a subcontractor of a community-based provider may  
72 | provide nonowned automobile liability coverage in lieu of  
73 | providing personal motor vehicle insurance; providing  
74 | terms, conditions, and applicability for nonowned  
75 | automobile insurance coverage; requiring a community-based  
76 | provider or a subcontractor of a community-based provider  
77 | to provide a minimum limit for nonowned automobile  
78 | insurance coverage; amending s. 409.175, F.S.; revising  
79 | requirements for licensure as a foster home or child-  
80 | caring agency; deleting the exemption from licensure for  
81 | persons who receive a child from the department;  
82 | clarifying that a permanent guardian is exempt from  
83 | licensure; amending s. 787.04, F.S.; prohibiting a person  
84 | from knowingly and willfully taking or removing a minor

85 | from the state or concealing the location of a minor  
86 | during the pendency of a dependency proceeding or any  
87 | other action concerning alleged abuse or neglect of the  
88 | minor; amending s. 937.021, F.S.; requiring that a report  
89 | of a missing child made by the department, a community-  
90 | based care provider, or a sheriff's office be treated as a  
91 | missing child report filed by a parent or guardian;  
92 | prohibiting a law enforcement agency from requiring an  
93 | order that a child be taken into custody or any other such  
94 | order before accepting a missing child report for  
95 | investigation; amending chapter 2007-174, Laws of Florida;  
96 | extending the date for the repeal of provisions  
97 | authorizing the reorganization of the Department of  
98 | Children and Family Services; providing for retroactive  
99 | application; amending ss. 39.0015, 39.205, 39.302,  
100 | 39.6011, 39.811, 39.828, and 419.001, F.S.; conforming  
101 | cross-references; permitting the Legislative Budget  
102 | Commission to consider the approval of a budget amendment  
103 | meeting certain requirements requesting additional trust  
104 | fund authority for expenditures enhancing child protection  
105 | and adoption during fiscal year 2008-2009; providing  
106 | effective dates.

107 |  
108 | Be It Enacted by the Legislature of the State of Florida:

109 |  
110 | Section 1. Subsection (1) and paragraphs (e) and (g) of  
111 | present subsection (31) of section 39.01, Florida Statutes, are  
112 | amended, present subsections (14) through (74) are renumbered as

113 subsections (15) through (75), respectively, and a new  
 114 subsection (14) is added to that section, to read:

115 39.01 Definitions.--When used in this chapter, unless the  
 116 context otherwise requires:

117 (1) "Abandoned" or "abandonment" means a situation in  
 118 which the parent or legal custodian of a child or, in the  
 119 absence of a parent or legal custodian, the caregiver  
 120 ~~responsible for the child's welfare,~~ while being able, makes no  
 121 provision for the child's support and has failed to establish or  
 122 maintain a substantial and positive relationship with the child.  
 123 For purposes of this subsection, "establish or maintain a  
 124 substantial and positive relationship" includes, but is not  
 125 limited to, frequent and regular contact with the child through  
 126 frequent and regular visitation or frequent and regular  
 127 communication to or with the child, and the exercise of parental  
 128 rights and responsibilities. Marginal efforts and incidental or  
 129 token visits or communications are not sufficient to establish  
 130 or maintain a substantial and positive relationship with a  
 131 child. and makes no effort to communicate with the child, which  
 132 situation is sufficient to evince a willful rejection of  
 133 parental obligations. If the efforts of the parent or legal  
 134 custodian, or caregiver primarily responsible for the child's  
 135 welfare, to support and communicate with the child are, in the  
 136 opinion of the court, only marginal efforts that do not evince a  
 137 settled purpose to assume all parental duties, the court may  
 138 declare the child to be abandoned. The term "abandoned" does not  
 139 include an abandoned newborn infant as described in s. 383.50, a  
 140 "child in need of services" as defined in chapter 984, or a

141 "family in need of services" as defined in chapter 984. The  
142 incarceration of a parent, legal custodian, or caregiver  
143 responsible for a child's welfare may support a finding of  
144 abandonment.

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

149 ~~(32)(31)~~ "Harm" to a child's health or welfare can occur  
150 when any person:

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

169 ~~makes no provision for the child's support and makes no effort~~  
170 ~~to communicate with the child, which situation is sufficient to~~  
171 ~~evince a willful rejection of parental obligation. If the~~  
172 ~~efforts of the parent or legal custodian or person primarily~~  
173 ~~responsible for the child's welfare to support and communicate~~  
174 ~~with the child are only marginal efforts that do not evince a~~  
175 ~~settled purpose to assume all parental duties, the child may be~~  
176 ~~determined to have been abandoned. The term "abandoned" does not~~  
177 ~~include an abandoned newborn infant as described in s. 383.50.~~

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

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

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

191  
192 As used in this paragraph, the term "controlled substance" means  
193 prescription drugs not prescribed for the parent or not  
194 administered as prescribed and controlled substances as outlined  
195 in Schedule I or Schedule II of s. 893.03.

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

198 39.0121 Specific rulemaking authority.--Pursuant to the  
199 requirements of s. 120.536, the department is specifically  
200 authorized to adopt, amend, and repeal administrative rules  
201 which implement or interpret law or policy, or describe the  
202 procedure and practice requirements necessary to implement this  
203 chapter, including, but not limited to, the following:

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

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

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

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

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



224 39.0138 Criminal history records check; limit on placement  
 225 of a child.--

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

243 Section 4. Section 39.0141, Florida Statutes, is created  
 244 to read:

245 39.0141 Missing children; report required.--Whenever the  
 246 whereabouts of a child involved with the department becomes  
 247 unknown, the department, the community-based care provider, or  
 248 the sheriff's office providing investigative services for the  
 249 department shall make reasonable efforts, as defined by rule, to  
 250 locate the child. If, pursuant to criteria established by rule,  
 251 the child is determined to be missing, the department, the

252 community-based care provider, or the sheriff's office shall  
 253 file a report that the child is missing in accordance with s.  
 254 937.021.

255 Section 5. Subsections (2), (4), and (7) of section  
 256 39.201, Florida Statutes, are amended to read:

257 39.201 Mandatory reports of child abuse, abandonment, or  
 258 neglect; mandatory reports of death; central abuse hotline.--

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

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

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

286 (d) If the report is of an instance of known or suspected  
 287 child abuse involving impregnation of a child under 16 years of  
 288 age by a person 21 years of age or older solely under s.  
 289 827.04(3), the report shall be made immediately to the  
 290 appropriate county sheriff's office or other appropriate law  
 291 enforcement agency. If the report is of an instance of known or  
 292 suspected child abuse solely under s. 827.04(3), the reporting  
 293 provisions of this subsection do not apply to health care  
 294 professionals or other persons who provide medical or counseling  
 295 services to pregnant children when such reporting would  
 296 interfere with the provision of medical services.

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

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

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

305 2. If ~~When~~ the alleged ~~juvenile sexual~~ offender is 12  
 306 years of age or younger, the central abuse hotline shall  
 307 immediately electronically transfer the report or call to the

308 county sheriff's ~~appropriate law enforcement agency~~ office. The  
 309 department shall conduct an assessment and assist the family in  
 310 receiving appropriate services pursuant to s. 39.307, and send a  
 311 written report of the allegation to the appropriate county  
 312 sheriff's office within 48 hours after the initial report is  
 313 made to the central abuse hotline.

314 3. If ~~When~~ the alleged ~~juvenile sexual~~ offender is 13  
 315 years of age or older, the central abuse hotline ~~department~~  
 316 shall immediately electronically transfer the report or call to  
 317 the appropriate county sheriff's office ~~by the central abuse~~  
 318 ~~hotline~~, and send a written report to the appropriate county  
 319 sheriff's office within 48 hours after the initial report to the  
 320 central abuse hotline.

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

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

335 infant has been left at a hospital, emergency medical services  
336 station, or fire station pursuant to s. 383.50.

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

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

357 (i) The department shall voice-record all incoming or  
358 outgoing calls that are received or placed by the central abuse  
359 hotline which relate to suspected or known child abuse, neglect,  
360 or abandonment. The department shall maintain an electronic copy  
361 of each fax and web-based report. The recording or electronic  
362 copy of each fax and web-based report shall become a part of the

363 record of the report but, notwithstanding s. 39.202, shall be  
364 released in full only to law enforcement agencies and state  
365 attorneys for the purpose of investigating and prosecuting  
366 criminal charges pursuant to s. 39.205, or to employees of the  
367 department for the purpose of investigating and seeking  
368 administrative penalties pursuant to s. 39.206. Nothing in this  
369 paragraph shall prohibit the use of the recordings, the  
370 electronic copies of faxes, and web-based reports by hotline  
371 staff for quality assurance and training.

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

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

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

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

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

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

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

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

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

413 39.301 Initiation of protective investigations.--

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

418 available to provide supervision and care, the central abuse  
 419 hotline shall determine if the report requires an immediate  
 420 onsite protective investigation. For reports requiring an  
 421 immediate onsite protective investigation, the central abuse  
 422 hotline shall immediately notify the department's designated  
 423 ~~children and families~~ district staff responsible for protective  
 424 investigations to ensure that an onsite investigation is  
 425 promptly initiated. For reports not requiring an immediate  
 426 onsite protective investigation, the central abuse hotline shall  
 427 notify the department's designated ~~children and families~~  
 428 district staff responsible for protective investigations in  
 429 sufficient time to allow for an investigation. At the time of  
 430 notification ~~of district staff with respect to the report~~, the  
 431 central abuse hotline shall also provide information to district  
 432 staff on any previous report concerning a subject of the present  
 433 report or any pertinent information relative to the present  
 434 report or any noted earlier reports.

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

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



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

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

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

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

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

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

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

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

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

474 caregiver of the alleged juvenile sexual offender or child who  
 475 has exhibited inappropriate sexual behavior and the victim's  
 476 ~~family or~~ caregiver.

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

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

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

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

497 (f) Based on the information obtained from the alleged  
 498 juvenile sexual offender or child who has exhibited  
 499 inappropriate sexual behavior, his or her ~~the alleged juvenile~~  
 500 ~~sexual offender's~~ caregiver, the victim, and the victim's  
 501 caregiver, an assessment service and treatment needs report must

502 be completed within 7 days and, if needed, a case plan developed  
 503 within 30 days.

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

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

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

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

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

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

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

528 (3) If ~~When~~ services have been accepted by the alleged  
 529 juvenile sexual offender or child who has exhibited

530 inappropriate sexual behavior, the victim, and respective  
531 caregivers ~~or family~~, the department shall designate a case  
532 manager and develop a specific case plan.

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

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

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

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

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

546 (5) ~~(4)~~ If ~~In the event~~ the family or caregiver of the  
547 alleged juvenile sexual offender or child who has exhibited  
548 inappropriate sexual behavior fails to adequately participate or  
549 allow for the adequate participation of the child juvenile  
550 ~~sexual offender~~ in the services or treatment delineated in the  
551 case plan, the case manager may recommend that the department:

552 (a) Close the case;

553 (b) Refer the case to mediation or arbitration, if  
554 available; or

555 (c) Notify the appropriate law enforcement agency of  
556 failure to comply.

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

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

563 39.401 Taking a child alleged to be dependent into  
 564 custody; law enforcement officers and authorized agents of the  
 565 department.--

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

568 (a) Release the child to:

- 569 1. The parent or legal custodian of the child;
- 570 2. A responsible adult approved by the court when limited  
 571 to temporary emergency situations;

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

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

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

582  
 583 For cases involving allegations of abandonment, abuse, or  
 584 neglect, or other dependency cases, within 3 days after such

585 | release or within 3 days after delivering the child to an  
 586 | authorized agent of the department, the law enforcement officer  
 587 | who took the child into custody shall make a full written report  
 588 | to the department.

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

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

598 | (b) If the facts are sufficient ~~to support the filing of~~  
 599 | ~~the shelter petition~~ and the child has not been returned to the  
 600 | custody of the parent or legal custodian, the department shall  
 601 | file the petition and schedule a hearing, and the attorney  
 602 | representing the department shall request that a shelter hearing  
 603 | be held within ~~as quickly as possible, not to exceed~~ 24 hours  
 604 | after the removal of the child. While awaiting the shelter  
 605 | hearing, the authorized agent of the department may place the  
 606 | child in licensed shelter care or may release the child to a  
 607 | parent or legal custodian or responsible adult relative or the  
 608 | adoptive parent of the child's sibling who shall be given  
 609 | priority consideration over a licensed placement, or a  
 610 | responsible adult approved by the department if ~~when~~ this is in  
 611 | the best interests of the child. ~~Any~~ Placement of a child which  
 612 | is not in a licensed shelter must be preceded by a criminal

613 ~~history records check as required under s. 39.0138 local and~~  
614 ~~state criminal records check, as well as a search of the~~  
615 ~~department's automated abuse information system, on all members~~  
616 ~~of the household, to assess the child's safety within the home.~~  
617 In addition, the department may authorize placement of a  
618 housekeeper/homemaker in the home of a child alleged to be  
619 dependent until the parent or legal custodian assumes care of  
620 the child.

621 (5) Judicial review and approval is required within 24  
622 hours after placement for all nonrelative placements. A  
623 nonrelative placement must be for a specific and predetermined  
624 period of time, not to exceed 12 months, and shall be reviewed  
625 by the court at least every 6 months. If the nonrelative  
626 placement continues for longer than 12 months, the department  
627 shall request the court to establish permanent guardianship or  
628 require that the nonrelative seek licensure as a foster care  
629 provider within 30 days after the court decision. Failure to  
630 establish permanent guardianship or obtain licensure does not  
631 require the court to change a child's placement unless it is in  
632 the best interest of the child to do so.

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

635 39.502 Notice, process, and service.--

636 (17) The parent or legal custodian of the child, the  
637 attorney for the department, the guardian ad litem, the foster  
638 or preadoptive parents, and all other parties and participants  
639 shall be given reasonable notice of all proceedings and hearings  
640 provided for under this part. All foster or preadoptive parents

641 must be provided with at least 72 hours' notice, verbally or in  
 642 writing, of all proceedings or hearings relating to children in  
 643 their care or children they are seeking to adopt to ensure the  
 644 ability to provide input to the court.

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

647 39.503 Identity or location of parent unknown; special  
 648 procedures.--

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

663 Section 11. Section 39.504, Florida Statutes, is amended  
 664 to read:

665 39.504 Injunction pending disposition of petition;  
 666 penalty.--

667 (1)~~(a)~~ At any time after a protective investigation has  
 668 been initiated pursuant to part III of this chapter ~~When a~~



669 ~~petition for shelter placement or a petition for dependency has~~  
 670 ~~been filed or when a child has been taken into custody and~~  
 671 ~~reasonable cause, as defined in paragraph (b), exists, the~~  
 672 court, upon the request of the department, a law enforcement  
 673 officer, the state attorney, or other responsible person, or  
 674 upon its own motion, may, if there is reasonable cause, ~~shall~~  
 675 ~~have the authority to~~ issue an injunction to prevent any act of  
 676 child abuse ~~or any unlawful sexual offense involving a child.~~

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

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

693 (3)(a) If ~~In every instance in which~~ an injunction is  
 694 issued under this section, the primary purpose of the injunction  
 695 must be ~~shall be~~ primarily to protect and promote the best  
 696 interests of the child, taking the preservation of the child's

697 immediate family into consideration. ~~The effective period of the~~  
 698 ~~injunction shall be determined by the court, except that the~~  
 699 ~~injunction will expire at the time of the disposition of the~~  
 700 ~~petition for shelter placement or dependency.~~

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

- 707 1. Refrain from further abuse or acts of domestic violence  
 708 ~~unlawful sexual activity involving a child~~.
- 709 2. Participate in a specialized treatment program.
- 710 3. Limit contact or communication with the child victim,  
 711 other children in the home, or any other child.
- 712 4. Refrain from contacting the child at home, school,  
 713 work, or wherever the child may be found.
- 714 5. Have limited or supervised visitation with the child.
- 715 6. Pay temporary support for the child or other family  
 716 members; the costs of medical, psychiatric, and psychological  
 717 treatment for the child ~~victim~~ incurred as a result of the  
 718 offenses; and similar costs for other family members.
- 719 7. Vacate the home in which the child resides.

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

- 722 1. Awarding the exclusive use and possession of the  
 723 dwelling to the caregiver or excluding the alleged or actual  
 724 offender from the residence of the caregiver.

725           2. Awarding temporary custody of the child to the  
 726 caregiver.

727           3. Establishing temporary support for the child. At any  
 728 time prior to the disposition of the petition, the alleged or  
 729 actual offender may offer the court evidence of changed  
 730 circumstances as a ground to dissolve or modify the injunction.

731  
 732 This paragraph does not preclude the adult victim of domestic  
 733 violence from seeking protection under s. 741.30.

734           (c) The terms of the injunction shall remain in effect  
 735 until modified or dissolved by the court. The petitioner,  
 736 respondent, or caregiver may move at any time to modify or  
 737 dissolve the injunction. The injunction is valid and enforceable  
 738 in all counties in the state.

739           (4) Service of process on the respondent shall be carried  
 740 out pursuant to s. 741.30. The department shall deliver a copy  
 741 of any injunction issued pursuant to this section shall be  
 742 delivered to the protected party, or to a parent, or caregiver,  
 743 or individual acting in the place of a parent who is not the  
 744 respondent, and to any law enforcement agency having  
 745 jurisdiction to enforce such injunction. Law enforcement  
 746 officers may exercise their arrest powers as provided in s.  
 747 901.15(6) to enforce the terms of the injunction. Upon delivery  
 748 of the injunction to the appropriate law enforcement agency, the  
 749 agency shall have the duty and responsibility to enforce the  
 750 injunction.

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

753 misdemeanor of the first degree, punishable as provided in s.  
754 775.082 or s. 775.083.

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

757 39.507 Adjudicatory hearings; orders of adjudication.--

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

764 (b) However, the court must determine whether each parent  
765 or legal custodian identified in the case abused, abandoned, or  
766 neglected the child in a subsequent evidentiary hearing. If the  
767 evidentiary hearing is conducted subsequent to the adjudication  
768 of the child, the court shall supplement the adjudicatory order,  
769 disposition order, and the case plan, as necessary. With the  
770 exception of proceedings pursuant to s. 39.811, the child's  
771 dependency status may not be retried or readjudicated.

772 (c) If a court adjudicates a child dependent and the child  
773 is in out-of-home care, the court shall inquire of the parent or  
774 parents whether the parents have relatives who might be  
775 considered as a placement for the child. The court shall advise  
776 the parents that, if the parents fail to substantially comply  
777 with the case plan, their parental rights may be terminated and  
778 that the child's out-of-home placement may become permanent. The  
779 parent or parents shall provide to the court and all parties  
780 identification and location information of the relatives.

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

784 39.521 Disposition hearings; powers of disposition.--

785 (1) A disposition hearing shall be conducted by the court,  
786 if the court finds that the facts alleged in the petition for  
787 dependency were proven in the adjudicatory hearing, or if the  
788 parents or legal custodians have consented to the finding of  
789 dependency or admitted the allegations in the petition, have  
790 failed to appear for the arraignment hearing after proper  
791 notice, or have not been located despite a diligent search  
792 having been conducted.

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

808 (f) If the court places the child in an out-of-home  
 809 placement, the disposition order must include a written  
 810 determination that the child cannot safely remain at home with  
 811 reunification or family preservation services and that removal  
 812 of the child is necessary to protect the child. If the child is  
 813 ~~has been~~ removed before the disposition hearing, the order must  
 814 also include a written determination as to whether, after  
 815 removal, the department ~~has~~ made a reasonable effort to reunify  
 816 the parent and child, ~~if reasonable efforts are required.~~  
 817 Reasonable efforts to reunify are not required if the court  
 818 finds ~~has found~~ that any of the acts listed in s. 39.806(1)(f) -  
 819 (1) ~~s. 39.806(1)(f) (i)~~ have occurred. The department has the  
 820 burden of demonstrating that it ~~has~~ made reasonable efforts  
 821 ~~under this paragraph.~~

822 1. For the purposes of this paragraph, the term  
 823 "reasonable effort" means the exercise of reasonable diligence  
 824 and care by the department to provide the services ordered by  
 825 the court or delineated in the case plan.

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

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

830 b. If prevention or reunification efforts were indicated,  
 831 include a brief written description of what appropriate and  
 832 available prevention and reunification efforts were made.

833 c. Indicate in writing why further efforts could or could  
 834 not have prevented or shortened the separation of the parent and  
 835 child.

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

839           a. The first contact of the department with the family  
 840 occurs during an emergency;

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

846           c. The child cannot safely remain at home, ~~either~~ because  
 847 there are no preventive services that can ensure the health and  
 848 safety of the child or, even with appropriate and available  
 849 services being provided, the health and safety of the child  
 850 cannot be ensured; or

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

854           4. A reasonable effort by the department for reunification  
 855 ~~of the parent and child~~ has been made if the appraisal of the  
 856 home situation by the department indicates that the severity of  
 857 the conditions of dependency is such that reunification efforts  
 858 are inappropriate. The department has the burden of  
 859 demonstrating to the court that reunification efforts were  
 860 inappropriate.

861           5. If the court finds that the prevention or reunification  
 862 effort of the department would not have permitted the child to  
 863 remain safely at home, the court may commit the child to the

864 temporary legal custody of the department or take any other  
865 action authorized by this chapter.

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

869 (c) If no fit parent is willing or available to assume  
870 care and custody of the child, place the child in the temporary  
871 legal custody of an adult relative, the adoptive parent of the  
872 child's sibling, or another ~~other~~ adult approved by the court  
873 who is willing to care for the child, under the protective  
874 supervision of the department. The department must supervise  
875 this placement until the child reaches permanency status in this  
876 home, and in no case for a period of less than 6 months.  
877 Permanency in a relative placement shall be by adoption, long-  
878 term custody, or guardianship.

879  
880 Protective supervision continues until the court terminates it  
881 or until the child reaches the age of 18, whichever date is  
882 first. Protective supervision shall be terminated by the court  
883 whenever the court determines that permanency has been achieved  
884 for the child, whether with a parent, another relative, or a  
885 legal custodian, and that protective supervision is no longer  
886 needed. The termination of supervision may be with or without  
887 retaining jurisdiction, at the court's discretion, and shall in  
888 either case be considered a permanency option for the child. The  
889 order terminating supervision by the department shall set forth  
890 the powers of the custodian of the child and shall include the  
891 powers ordinarily granted to a guardian of the person of a minor



892 unless otherwise specified. Upon the court's termination of  
 893 supervision by the department, no further judicial reviews are  
 894 required, so long as permanency has been established for the  
 895 child.

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

898 39.701 Judicial review.--

899 (5) Notice of a judicial review hearing or a citizen  
 900 review panel hearing, and a copy of the motion for judicial  
 901 review, if any, must be served by the clerk of the court upon  
 902 all of the following persons, if available to be served,  
 903 regardless of whether the person was present at the previous  
 904 hearing at which the date, time, and location of the hearing was  
 905 announced:

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

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

911 (c) The parents.

912 (d) The guardian ad litem for the child, or the  
 913 representative of the guardian ad litem program if the program  
 914 has been appointed.

915 (e) The attorney for the child.

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

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

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

920  
 921 ~~Service of notice is not required on any of the persons listed~~  
 922 ~~in paragraphs (a) (f) if the person was present at the previous~~  
 923 ~~hearing during which the date, time, and location of the hearing~~  
 924 ~~was announced.~~

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

927 39.8055 Requirement to file a petition to terminate  
 928 parental rights; exceptions.--

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

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

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

939 (c) A parent has been convicted of the murder ~~of the other~~  
 940 ~~parent~~, manslaughter ~~of the other parent~~, aiding or abetting the  
 941 murder, or conspiracy or solicitation to murder the other parent  
 942 or another child of the parent, or a felony battery that  
 943 resulted in serious bodily injury to the child or to another ~~any~~  
 944 ~~other~~ child of the parent; or

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

947 Section 16. Paragraphs (e) through (h) of subsection (1)  
 948 of section 39.806, Florida Statutes, are amended, paragraphs  
 949 (j), (k), and (l) are added to that subsection, and subsections  
 950 (2), (3), and (4) of that section are amended, to read:

951 39.806 Grounds for termination of parental rights.--

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

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

- 956 1. The child continues to be abused, neglected, or  
 957 abandoned by the parent or parents. ~~In this case,~~ The failure of  
 958 the parent or parents to substantially comply with the case plan  
 959 for a period of 9 ~~12~~ months after an adjudication of the child  
 960 as a dependent child or the child's placement into shelter care,  
 961 whichever occurs ~~came~~ first, constitutes evidence of continuing  
 962 abuse, neglect, or abandonment unless the failure to  
 963 substantially comply with the case plan was due ~~either~~ to the  
 964 parent's lack of financial resources ~~of the parents~~ or to the  
 965 failure of the department to make reasonable efforts to reunify  
 966 the parent and child. The 9-month ~~12-month~~ period begins to run  
 967 only after the child's placement into shelter care or the entry  
 968 of a disposition order placing the custody of the child with the  
 969 department or a person other than the parent and the court's  
 970 approval ~~by the court~~ of a case plan having the ~~with a~~ goal of  
 971 reunification with the parent, whichever occurs ~~came~~ first; ~~or~~  
 972 2. The parent or parents have ~~has~~ materially breached the  
 973 case plan ~~by making it unlikely that he or she will be able to~~  
 974 ~~substantially comply with the case plan before the time for~~

975 ~~compliance expires~~. Time is of the essence for permanency of  
976 children in the dependency system. In order to prove the parent  
977 or parents have ~~has~~ materially breached the case plan, the court  
978 must find by clear and convincing evidence that the parent or  
979 parents are ~~is~~ unlikely or unable to substantially comply with  
980 the case plan before time ~~expires~~ to comply with the case plan  
981 expires.

982 (f) ~~When~~ The parent or parents engaged in egregious  
983 conduct or had the opportunity and capability to prevent and  
984 knowingly failed to prevent egregious conduct that threatens the  
985 life, safety, or physical, mental, or emotional health of the  
986 child or the child's sibling.

987 1. As used in this subsection, the term "sibling" means  
988 another child who resides with or is cared for by the parent or  
989 parents regardless of whether the child is related legally or by  
990 consanguinity.

991 2. As used in this subsection, the term "egregious  
992 conduct" means abuse, abandonment, neglect, or any other conduct  
993 ~~of the parent or parents~~ that is deplorable, flagrant, or  
994 outrageous by a normal standard of conduct. Egregious conduct  
995 may include an act or omission that occurred only once but was  
996 of such intensity, magnitude, or severity as to endanger the  
997 life of the child.

998 (g) ~~When~~ The parent or parents have subjected the child or  
999 another child to aggravated child abuse as defined in s. 827.03,  
1000 sexual battery or sexual abuse as defined in s. 39.01, or  
1001 chronic abuse.

1002           (h) ~~When~~ The parent or parents have committed the murder,  
 1003 manslaughter, aiding or abetting the murder, or conspiracy or  
 1004 solicitation to murder the other parent or another child, or a  
 1005 felony battery that resulted in serious bodily injury to the  
 1006 child or to another child ~~committed murder or voluntary~~  
 1007 ~~manslaughter of another child, or a felony assault that results~~  
 1008 ~~in serious bodily injury to the child or another child, or aided~~  
 1009 ~~or abetted, attempted, conspired, or solicited to commit such a~~  
 1010 ~~murder or voluntary manslaughter or felony assault.~~

1011           (i) ~~When~~ The parental rights of the parent to a sibling of of  
 1012 the child have been terminated involuntarily.

1013           (j) The parent or parents have a history of extensive,  
 1014 abusive, and chronic use of alcohol or a controlled substance  
 1015 which renders them incapable of caring for the child, and have  
 1016 refused or failed to complete available treatment for such use  
 1017 during the 3-year period immediately preceding the filing of the  
 1018 petition for termination of parental rights.

1019           (k) A test administered at birth that indicated that the  
 1020 child's blood, urine, or meconium contained any amount of  
 1021 alcohol or a controlled substance or metabolites of such  
 1022 substances, the presence of which was not the result of medical  
 1023 treatment administered to the mother or the newborn infant, and  
 1024 the biological mother of the child is the biological mother of  
 1025 at least one other child who was adjudicated dependent after a  
 1026 finding of harm to the child's health or welfare due to exposure  
 1027 to a controlled substance or alcohol as defined in s.  
 1028 39.01(31)(g), after which the biological mother had the  
 1029 opportunity to participate in substance abuse treatment.

1030           (1) On three or more occasions the child or another child  
 1031 of the parent or parents has been placed in out-of-home care  
 1032 pursuant to this chapter, and the conditions that led to the  
 1033 child's out-of-home placement were caused by the parent or  
 1034 parents.

1035           (2) Reasonable efforts to preserve and reunify families  
 1036 are not required if a court of competent jurisdiction has  
 1037 determined that any of the events described in paragraphs  
 1038 (1) (e) - (1) ~~(1) (e) - (1) (i)~~ have occurred.

1039           (3) If ~~When~~ a petition for termination of parental rights  
 1040 is filed under subsection (1), a separate petition for  
 1041 dependency need not be filed and the department need not offer  
 1042 the parents a case plan having ~~with~~ a goal of reunification, but  
 1043 may instead file with the court a case plan having ~~with~~ a goal  
 1044 of termination of parental rights to allow continuation of  
 1045 services until the termination is granted or until further  
 1046 orders of the court are issued.

1047           (4) If ~~When~~ an expedited termination of parental rights  
 1048 petition is filed, reasonable efforts shall be made to place the  
 1049 child in a timely manner in accordance with the permanency plan,  
 1050 and to complete whatever steps are necessary to finalize the  
 1051 permanent placement of the child.

1052           Section 17. Subsection (4) of section 322.142, Florida  
 1053 Statutes, is amended to read:

1054           322.142 Color photographic or digital imaged licenses.--

1055           (4) The department may maintain a film negative or print  
 1056 file. The department shall maintain a record of the digital  
 1057 image and signature of the licensees, together with other data

1058 required by the department for identification and retrieval.  
 1059 Reproductions from the file or digital record are exempt from  
 1060 the provisions of s. 119.07(1) and shall be made and issued only  
 1061 for departmental administrative purposes; for the issuance of  
 1062 duplicate licenses; in response to law enforcement agency  
 1063 requests; to the Department of State pursuant to an interagency  
 1064 agreement to facilitate determinations of eligibility of voter  
 1065 registration applicants and registered voters in accordance with  
 1066 ss. 98.045 and 98.075; to the Department of Revenue pursuant to  
 1067 an interagency agreement for use in establishing paternity and  
 1068 establishing, modifying, or enforcing support obligations in  
 1069 Title IV-D cases; to the Department of Children and Family  
 1070 Services pursuant to an interagency agreement to conduct  
 1071 protective investigations under part III of chapter 39; or to  
 1072 the Department of Financial Services pursuant to an interagency  
 1073 agreement to facilitate the location of owners of unclaimed  
 1074 property, the validation of unclaimed property claims, and the  
 1075 identification of fraudulent or false claims, ~~and are exempt~~  
 1076 ~~from the provisions of s. 119.07(1).~~

1077 Section 18. Section 402.401, Florida Statutes, is amended  
 1078 to read:

1079 402.401 Florida Child Welfare Student Loan Forgiveness  
 1080 Program.--

1081 ~~(1)~~ There is created the Florida Child Welfare Student  
 1082 Loan Forgiveness Program to be administered by the Department of  
 1083 Children and Family Services Education. The program shall  
 1084 provide loan reimbursement assistance to eligible employees in  
 1085 child welfare positions that are critical to the department's

1086 mission, as determined by the department, and that are within  
 1087 the department, sheriff's offices, or contracted community-based  
 1088 care agencies ~~students for upper-division undergraduate and~~  
 1089 ~~graduate study. The primary purpose of the program is to attract~~  
 1090 ~~capable and promising students to the child welfare profession,~~  
 1091 ~~increase employment and retention of individuals who are working~~  
 1092 ~~towards or who have received either a bachelor's degree or a~~  
 1093 ~~master's degree in social work, or any human services subject~~  
 1094 ~~area that qualifies the individual for employment as a family~~  
 1095 ~~services worker, and provide opportunities for persons making~~  
 1096 ~~midcareer decisions to enter the child welfare profession. The~~  
 1097 ~~State Board of Education shall adopt rules necessary to~~  
 1098 ~~administer the program.~~

1099 ~~(2)(a)~~ To be eligible for a program loan, the employee's  
 1100 outstanding student loans may not be in a default status. a  
 1101 ~~candidate shall:~~

1102 ~~1. Be a full time student at the upper division~~  
 1103 ~~undergraduate or graduate level in a social work program~~  
 1104 ~~approved by the Council on Social Work Education leading to~~  
 1105 ~~either a bachelor's degree or a master's degree in social work~~  
 1106 ~~or an accredited human services degree program.~~

1107 ~~2. Have declared an intent to work in child welfare for at~~  
 1108 ~~least the number of years for which a forgivable loan is~~  
 1109 ~~received at the Department of Children and Family Services or~~  
 1110 ~~its successor, or with an eligible lead community based provider~~  
 1111 ~~as defined in s. 409.1671.~~

1112 ~~3. If applying for an undergraduate forgivable loan, have~~  
 1113 ~~maintained a minimum cumulative grade point average of at least~~



1114 ~~a 2.5 on a 4.0 scale for all undergraduate work. Renewal~~  
1115 ~~applicants for undergraduate loans shall have maintained a~~  
1116 ~~minimum cumulative grade point average of at least a 2.5 on a~~  
1117 ~~4.0 scale for all undergraduate work and have earned at least 12~~  
1118 ~~semester credits per term, or the equivalent.~~

1119 ~~4. If applying for a graduate forgivable loan, have~~  
1120 ~~maintained an undergraduate cumulative grade point average of at~~  
1121 ~~least a 3.0 on a 4.0 scale or have attained a Graduate Record~~  
1122 ~~Examination score of at least 1,000. Renewal applicants for~~  
1123 ~~graduate loans shall have maintained a minimum cumulative grade~~  
1124 ~~point average of at least a 3.0 on a 4.0 scale for all graduate~~  
1125 ~~work and have earned at least 9 semester credits per term, or~~  
1126 ~~the equivalent.~~

1127 ~~(b) An undergraduate forgivable loan may be awarded for 2~~  
1128 ~~undergraduate years, not to exceed \$4,000 per year.~~

1129 ~~(c) A graduate forgivable loan may be awarded for 2~~  
1130 ~~graduate years, not to exceed \$8,000 per year. In addition to~~  
1131 ~~meeting criteria specified in paragraph (a), a loan recipient at~~  
1132 ~~the graduate level shall:~~

1133 ~~1. Hold a bachelor's degree from a school or department of~~  
1134 ~~social work at any college or university accredited by the~~  
1135 ~~Council on Social Work Education, or hold a degree in a human~~  
1136 ~~services field from an accredited college or university.~~

1137 ~~2. Not have received an undergraduate forgivable loan as~~  
1138 ~~provided for in paragraph (b).~~

1139 ~~(d) The State Board of Education shall adopt by rule~~  
1140 ~~repayment schedules and applicable interest rates under ss.~~

1141 ~~1009.82 and 1009.95. A forgivable loan must be repaid within 10~~  
 1142 ~~years after completion of a program of studies.~~

1143 ~~1. Credit for repayment of an undergraduate or graduate~~  
 1144 ~~forgivable loan shall be in an amount not to exceed \$4,000 in~~  
 1145 ~~loan principal plus applicable accrued interest for each full~~  
 1146 ~~year of eligible service in the child welfare profession.~~

1147 ~~2. Any forgivable loan recipient who fails to work at the~~  
 1148 ~~Department of Children and Family Services or its successor, or~~  
 1149 ~~with an eligible lead community based provider as defined in s.~~  
 1150 ~~409.1671, is responsible for repaying the loan plus accrued~~  
 1151 ~~interest at 8 percent annually.~~

1152 ~~3. Forgivable loan recipients may receive loan repayment~~  
 1153 ~~credit for child welfare service rendered at any time during the~~  
 1154 ~~scheduled repayment period. However, such repayment credit shall~~  
 1155 ~~be applicable only to the current principal and accrued interest~~  
 1156 ~~balance that remains at the time the repayment credit is earned.~~  
 1157 ~~No loan recipient shall be reimbursed for previous cash payments~~  
 1158 ~~of principal and interest.~~

1159 ~~(3)~~ This section shall be implemented only as specifically  
 1160 funded.

1161 Section 19. Paragraphs (h) and (j) of subsection (1) of  
 1162 section 409.1671, Florida Statutes, are amended to read:

1163 409.1671 Foster care and related services; outsourcing.--

1164 (1)

1165 (h) Other than an entity to which s. 768.28 applies, any  
 1166 eligible lead community-based provider, as defined in paragraph  
 1167 (e), or its employees or officers, except as otherwise provided  
 1168 in paragraph (i), must, as a part of its contract, obtain a

1169 minimum of \$1 million per claim/\$3 million per incident in  
1170 general liability insurance coverage. The eligible lead  
1171 community-based provider must also require that staff who  
1172 transport client children and families in their personal  
1173 automobiles in order to carry out their job responsibilities  
1174 obtain minimum bodily injury liability insurance in the amount  
1175 of \$100,000 per claim, \$300,000 per incident, on their personal  
1176 automobiles. In lieu of personal motor vehicle insurance, the  
1177 lead community-based provider's casualty, liability, or motor  
1178 vehicle insurance carrier may provide nonowned automobile  
1179 liability coverage. This insurance provides liability insurance  
1180 for automobiles that the provider uses in connection with the  
1181 provider's business but does not own, lease, rent, or borrow.  
1182 This coverage includes automobiles owned by the employees of the  
1183 provider or a member of the employee's household but only while  
1184 the automobiles are used in connection with the provider's  
1185 business. The nonowned automobile coverage for the provider  
1186 applies as excess coverage over any other collectible insurance.  
1187 The personal automobile policy for the employee of the provider  
1188 shall be primary insurance and the nonowned automobile coverage  
1189 of the provider acts as excess insurance to the primary  
1190 insurance. The provider shall provide a minimum limit of \$1  
1191 million in nonowned automobile coverage. In any tort action  
1192 brought against such an eligible lead community-based provider  
1193 or employee, net economic damages shall be limited to \$1 million  
1194 per liability claim and \$100,000 per automobile claim,  
1195 including, but not limited to, past and future medical expenses,  
1196 wage loss, and loss of earning capacity, offset by any

1197 collateral source payment paid or payable. In any tort action  
 1198 brought against such an eligible lead community-based provider,  
 1199 noneconomic damages shall be limited to \$200,000 per claim. A  
 1200 claims bill may be brought on behalf of a claimant pursuant to  
 1201 s. 768.28 for any amount exceeding the limits specified in this  
 1202 paragraph. Any offset of collateral source payments made as of  
 1203 the date of the settlement or judgment shall be in accordance  
 1204 with s. 768.76. The lead community-based provider shall not be  
 1205 liable in tort for the acts or omissions of its subcontractors  
 1206 or the officers, agents, or employees of its subcontractors.

1207 (j) Any subcontractor of an eligible lead community-based  
 1208 provider, as defined in paragraph (e), which is a direct  
 1209 provider of foster care and related services to children and  
 1210 families, and its employees or officers, except as otherwise  
 1211 provided in paragraph (i), must, as a part of its contract,  
 1212 obtain a minimum of \$1 million per claim/\$3 million per incident  
 1213 in general liability insurance coverage. The subcontractor of an  
 1214 eligible lead community-based provider must also require that  
 1215 staff who transport client children and families in their  
 1216 personal automobiles in order to carry out their job  
 1217 responsibilities obtain minimum bodily injury liability  
 1218 insurance in the amount of \$100,000 per claim, \$300,000 per  
 1219 incident, on their personal automobiles. In lieu of personal  
 1220 motor vehicle insurance, the subcontractor's casualty,  
 1221 liability, or motor vehicle insurance carrier may provide  
 1222 nonowned automobile liability coverage. This insurance provides  
 1223 liability insurance for automobiles that the subcontractor uses  
 1224 in connection with the subcontractor's business but does not

1225 own, lease, rent, or borrow. This coverage includes automobiles  
 1226 owned by the employees of the subcontractor or a member of the  
 1227 employee's household but only while the automobiles are used in  
 1228 connection with the subcontractor's business. The nonowned  
 1229 automobile coverage for the subcontractor applies as excess  
 1230 coverage over any other collectible insurance. The personal  
 1231 automobile policy for the employee of the subcontractor shall be  
 1232 primary insurance and the nonowned automobile coverage of the  
 1233 subcontractor acts as excess insurance to the primary insurance.  
 1234 The subcontractor shall provide a minimum limit of \$1 million in  
 1235 nonowned automobile coverage. In any tort action brought against  
 1236 such subcontractor or employee, net economic damages shall be  
 1237 limited to \$1 million per liability claim and \$100,000 per  
 1238 automobile claim, including, but not limited to, past and future  
 1239 medical expenses, wage loss, and loss of earning capacity,  
 1240 offset by any collateral source payment paid or payable. In any  
 1241 tort action brought against such subcontractor, noneconomic  
 1242 damages shall be limited to \$200,000 per claim. A claims bill  
 1243 may be brought on behalf of a claimant pursuant to s. 768.28 for  
 1244 any amount exceeding the limits specified in this paragraph. Any  
 1245 offset of collateral source payments made as of the date of the  
 1246 settlement or judgment shall be in accordance with s. 768.76.

1247 Section 20. Paragraph (a) of subsection (4) of section  
 1248 409.175, Florida Statutes, is amended to read:

1249 409.175 Licensure of family foster homes, residential  
 1250 child-caring agencies, and child-placing agencies; public  
 1251 records exemption.--

1252 (4) (a) A person, family foster home, or residential child-  
 1253 caring agency may ~~shall~~ not provide ~~receive a child for~~  
 1254 continuing full-time child care or custody unless such person,  
 1255 home, or agency has first procured a license from the department  
 1256 to provide such care. This requirement does not apply to a  
 1257 person who is a relative of the child by blood, marriage, or  
 1258 adoption, ~~or to~~ a permanent legal guardian established under s.  
 1259 39.6221, ~~a person who has received the child from the~~  
 1260 ~~department~~, a licensed child-placing agency, or an intermediary  
 1261 for the purposes of adoption pursuant to chapter 63.

1262 Section 21. Subsection (3) of section 787.04, Florida  
 1263 Statutes, is amended to read:

1264 787.04 Removing minors from state or concealing minors  
 1265 contrary to state agency order or court order.--

1266 (3) It is unlawful for any person, ~~with criminal intent,~~  
 1267 to knowingly and willfully lead, take, entice, or remove a minor  
 1268 beyond the limits of this state, or to knowingly and willfully  
 1269 conceal the location of a minor, during the pendency of a  
 1270 dependency proceeding affecting such minor or during the  
 1271 pendency of any investigation, action, or proceeding concerning  
 1272 the alleged abuse or neglect of such minor, after having  
 1273 received actual or constructive notice of the pendency of such  
 1274 investigation, action, or proceeding and without the permission  
 1275 of the state agency or court in which the investigation, action,  
 1276 or proceeding is pending.

1277 Section 22. Subsection (1) of section 937.021, Florida  
 1278 Statutes, is amended to read:

1279 937.021 Missing child reports.--

1280 (1) Upon the filing of a police report that a child is  
 1281 missing by the parent or guardian, the Department of Children  
 1282 and Family Services, a community-based care provider, or a  
 1283 sheriff's office providing investigative services for the  
 1284 department, the law enforcement agency receiving the report  
 1285 shall immediately inform all on-duty law enforcement officers of  
 1286 the ~~existence of the~~ missing child report, communicate the  
 1287 report to every other law enforcement agency having jurisdiction  
 1288 in the county, and transmit the report for inclusion within the  
 1289 Florida Crime Information Center computer. A law enforcement  
 1290 agency may not require a reporter to present an order that a  
 1291 child be taken into custody or any other such order before  
 1292 accepting a report that a child is missing.

1293 Section 23. Effective upon this act becoming a law and  
 1294 operating retroactively to June 29, 2008, subsection (3) of  
 1295 section 1 of chapter 2007-174, Laws of Florida, is amended to  
 1296 read:

1297 (3) This section expires June 30, 2009 ~~2008~~.

1298 Section 24. Paragraph (b) of subsection (3) of section  
 1299 39.0015, Florida Statutes, is amended to read:

1300 39.0015 Child abuse prevention training in the district  
 1301 school system.--

1302 (3) DEFINITIONS.--As used in this section:

1303 (b) "Child abuse" means abandonment, abuse, harm, mental  
 1304 injury, neglect, physical injury, or sexual abuse of a child as  
 1305 those terms are defined in s. 39.01 ~~those acts as defined in ss.~~  
 1306 ~~39.01(1), (2), (31), (41), (43), (55), and (66), 827.04, and~~  
 1307 984.03 ~~984.03(1), (2), and (37).~~

1308 Section 25. Subsection (5) of section 39.205, Florida  
 1309 Statutes, is amended to read:

1310 39.205 Penalties relating to reporting of child abuse,  
 1311 abandonment, or neglect.--

1312 (5) If the department or its authorized agent has  
 1313 determined after its investigation that a report is false, the  
 1314 department shall, with the consent of the alleged perpetrator,  
 1315 refer the report to the local law enforcement agency having  
 1316 jurisdiction for an investigation to determine whether  
 1317 sufficient evidence exists to refer the case for prosecution for  
 1318 filing a false report as defined in s. 39.01 ~~s. 39.01(28)~~.

1319 During the pendency of the investigation ~~by the local law~~  
 1320 ~~enforcement agency~~, the department must notify the local law  
 1321 enforcement agency of, and the local law enforcement agency must  
 1322 respond to, all subsequent reports concerning children in that  
 1323 same family in accordance with s. 39.301. If the law enforcement  
 1324 agency believes that there are indicators of abuse, abandonment,  
 1325 or neglect, it must immediately notify the department, which  
 1326 must ensure ~~assure~~ the safety of the children. If the law  
 1327 enforcement agency finds sufficient evidence for prosecution for  
 1328 filing a false report, it must refer the case to the appropriate  
 1329 state attorney for prosecution.

1330 Section 26. Subsection (1) of section 39.302, Florida  
 1331 Statutes, is amended to read:

1332 39.302 Protective investigations of institutional child  
 1333 abuse, abandonment, or neglect.--

1334 (1) The department shall conduct a child protective  
 1335 investigation of each report of institutional child abuse,



1336 abandonment, or neglect. Upon receipt of a report that alleges  
 1337 that an employee or agent of the department, or any other entity  
 1338 or person covered by s. 39.01(33) or (47) ~~s. 39.01(32) or (46)~~,  
 1339 acting in an official capacity, has committed an act of child  
 1340 abuse, abandonment, or neglect, the department shall initiate a  
 1341 child protective investigation within the timeframe established  
 1342 ~~by the central abuse hotline~~ under s. 39.201(5) and orally  
 1343 notify the appropriate state attorney, law enforcement agency,  
 1344 and licensing agency, which. ~~These agencies~~ shall immediately  
 1345 conduct a joint investigation, unless independent investigations  
 1346 are more feasible. When conducting investigations onsite or  
 1347 having face-to-face interviews with the child, ~~such~~  
 1348 investigation visits shall be unannounced unless it is  
 1349 determined by the department or its agent that ~~the~~ unannounced  
 1350 visits ~~would~~ threaten the safety of the child. If ~~When~~ a  
 1351 facility is exempt from licensing, the department shall inform  
 1352 the owner or operator of the facility of the report. Each agency  
 1353 conducting a joint investigation is entitled to full access to  
 1354 the information gathered by the department in the course of the  
 1355 investigation. A protective investigation must include an onsite  
 1356 visit of the child's place of residence. ~~In all cases,~~ The  
 1357 department shall make a full written report to the state  
 1358 attorney within 3 working days after making the oral report. A  
 1359 criminal investigation shall be coordinated, whenever possible,  
 1360 with the child protective investigation of the department. Any  
 1361 interested person who has information regarding the offenses  
 1362 described in this subsection may forward a statement to the  
 1363 state attorney as to whether prosecution is warranted and

1364 appropriate. Within 15 days after the completion of the  
 1365 investigation, the state attorney shall report the findings to  
 1366 the department and shall include in the report a determination  
 1367 of whether or not prosecution is justified and appropriate in  
 1368 view of the circumstances of the specific case.

1369 Section 27. Paragraphs (b) and (c) of subsection (2) of  
 1370 section 39.6011, Florida Statutes, are amended to read:

1371 39.6011 Case plan development.--

1372 (2) The case plan must be written simply and clearly in  
 1373 English and, if English is not the principal language of the  
 1374 child's parent, to the extent possible in the parent's principal  
 1375 language. Each case plan must contain:

1376 (b) The permanency goal ~~as defined in s. 39.01(51)~~.

1377 (c) If concurrent planning is being used, a description of  
 1378 the permanency goal of reunification with the parent or legal  
 1379 custodian in addition to a description of one of the remaining  
 1380 permanency goals described in s. 39.01 ~~s. 39.01(51)~~.

1381 Section 28. Paragraph (e) of subsection (6) of section  
 1382 39.811, Florida Statutes, is amended to read:

1383 39.811 Powers of disposition; order of disposition.--

1384 (6) The parental rights of one parent may be severed  
 1385 without severing the parental rights of the other parent only  
 1386 under the following circumstances:

1387 (e) If the parent whose rights are being terminated meets  
 1388 any of the criteria specified in s. 39.806(1)(d) and (f)-(1)  
 1389 ~~(f)-(i)~~.

1390 Section 29. Paragraph (a) of subsection (1) of section  
 1391 39.828, Florida Statutes, is amended to read:

1392 39.828 Grounds for appointment of a guardian advocate.--

1393 (1) The court shall appoint the person named in the  
 1394 petition as a guardian advocate with all the powers and duties  
 1395 specified in s. 39.829 for an initial term of 1 year upon a  
 1396 finding that:

1397 (a) The child named in the petition is or was a drug  
 1398 dependent newborn as described in s. 39.01(32)(g) ~~s.~~  
 1399 ~~39.01(31)(g)~~;

1400 Section 30. Paragraph (d) of subsection (1) of section  
 1401 419.001, Florida Statutes, is amended to read:

1402 419.001 Site selection of community residential homes.--

1403 (1) For the purposes of this section, the following  
 1404 definitions shall apply:

1405 (d) "Resident" means any of the following: a frail elder  
 1406 as defined in s. 429.65; a physically disabled or handicapped  
 1407 person as defined in s. 760.22(7)(a); a developmentally disabled  
 1408 person as defined in s. 393.063; a nondangerous mentally ill  
 1409 person as defined in s. 394.455(18); or a child who is found to  
 1410 be dependent as defined in s. 39.01 or s.984.03, or a child in  
 1411 need of services as defined in s. 984.03 ~~s. 39.01(14), s.~~  
 1412 ~~984.03(9) or (12)~~, or s. 985.03.

1413 Section 31. (1) Notwithstanding the provisions of s.  
 1414 216.181(2)(f), Florida Statutes, the Legislative Budget  
 1415 Commission may consider the approval of a budget amendment for  
 1416 fiscal year 2008-2009 appropriations only, recommended by the  
 1417 Executive Office of the Governor and submitted by the Department  
 1418 of Children and Family Services, requesting additional trust

1419 fund authority for expenditures enhancing child protection and  
1420 adoption.

1421 (2) This section is effective upon becoming a law.

1422 Section 32. Except as otherwise expressly provided in this  
1423 act and except for this section, which shall take effect upon  
1424 becoming a law, this act shall take effect July 1, 2008.