

House Bill No. 7077

An act relating to child protection; amending s. 39.01, F.S.; redefining the terms “abandoned” and “harm”; defining the term “child who has exhibited inappropriate sexual behavior”; amending s. 39.0121, F.S.; authorizing the Department of Children and Family Services to adopt rules providing for locating and recovering missing children who are involved with the department; providing requirements for reports; amending s. 39.0138, F.S.; requiring a criminal history check of persons being considered for placement of a child to include a search of the department’s automated abuse information system; authorizing the department to adopt rules establishing standards for evaluating such information; creating s. 39.0141, F.S.; requiring the department, the community-based care provider, or sheriff’s office to file a report following a determination that a child involved with the department is missing; amending s. 39.201, F.S.; revising provisions relating to reporting child abuse, abandonment, or neglect to the central abuse hotline to allow for reports by fax or web-based report; amending s. 39.301, F.S.; conforming provisions to changes made by the act; providing certain exceptions to the requirements that a child protective investigation be closed within 60 days; amending s. 39.307, F.S.; revising provision relating to the provision of services to a child in cases of child-on-child sexual abuse to include a child who has exhibited inappropriate sexual behavior; amending s. 39.401, F.S.; requiring a law enforcement officer who takes a child into custody to release such child to an adoptive parent of the child’s sibling; authorizing the department to release a child awaiting a shelter hearing to an adoptive parent of the child’s sibling; requiring judicial approval for the placement of a child with a nonrelative; amending s. 39.502, F.S.; providing for notice to foster or preadoptive parents of any hearings involving the child in their care; amending s. 39.503, F.S.; revising the minimum inquiries a petitioner for dependency or shelter must make in trying to locate an identified parent or prospective parent; amending s. 39.504, F.S.; revising procedures related to injunctions issued to protect a child; requiring that such injunctions remain in effect until modified or dissolved by the court; amending s. 39.507, F.S.; limiting a court to one order adjudicating dependency; providing for supplemental findings; amending s. 39.521, F.S.; providing an exception from the requirement for a predisposition study in dependency proceedings; conforming cross-references; authorizing the court to place a dependent child with the adoptive parent of the child’s sibling if no fit parent is willing or available to assume care and custody; amending s. 39.701, F.S.; requiring that notice of a judicial review of a child’s status be served on certain persons regardless of whether they attended a prior hearing at which the hearing was announced; amending s. 39.8055, F.S.; revising provisions relating to filing a petition to terminate parental rights; expanding the grounds for terminating parental rights to include conviction for the murder, manslaughter, or conspiracy to murder another child of the parent; amending s.

39.806, F.S.; adding additional grounds for terminating parental rights; amending s. 322.142, F.S.; authorizing the Department of Children and Family Services to be provided copies of driver's license files maintained by the Department of Highway Safety and Motor Vehicles for the purpose of conducting protective investigations; amending s. 402.401, F.S., relating to the Florida Child Welfare Student Loan Forgiveness Program; transferring administration of the program to the Department of Children and Family Services; amending s. 409.1671, F.S.; providing that a community-based provider or a subcontractor of a community-based provider may provide nonowned automobile liability coverage in lieu of providing personal motor vehicle insurance; providing terms, conditions, and applicability for nonowned automobile insurance coverage; requiring a community-based provider or a subcontractor of a community-based provider to provide a minimum limit for nonowned automobile insurance coverage; amending s. 409.175, F.S.; revising requirements for licensure as a foster home or child-caring agency; deleting the exemption from licensure for persons who receive a child from the department; clarifying that a permanent guardian is exempt from licensure; amending s. 787.04, F.S.; prohibiting a person from knowingly and willfully taking or removing a minor from the state or concealing the location of a minor during the pendency of a dependency proceeding or any other action concerning alleged abuse or neglect of the minor; amending s. 937.021, F.S.; requiring that a report of a missing child made by the department, a community-based care provider, or a sheriff's office be treated as a missing child report filed by a parent or guardian; prohibiting a law enforcement agency from requiring an order that a child be taken into custody or any other such order before accepting a missing child report for investigation; amending chapter 2007-174, Laws of Florida; extending the date for the repeal of provisions authorizing the reorganization of the Department of Children and Family Services; providing for retroactive application; amending ss. 39.0015, 39.205, 39.302, 39.6011, 39.811, 39.828, and 419.001, F.S.; conforming cross-references; permitting the Legislative Budget Commission to consider the approval of a budget amendment meeting certain requirements requesting additional trust fund authority for expenditures enhancing child protection and adoption during fiscal year 2008-2009; providing effective dates.

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

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

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(1) “Abandoned” or “abandonment” means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal

custodian, the caregiver responsible for the child's welfare, while being able, makes no provision for the child's support and has failed to establish or maintain a substantial and positive relationship with the child. For purposes of this subsection, "establish or maintain a substantial and positive relationship" includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child, and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If the efforts of the parent or legal custodian, or caregiver primarily responsible for the child's welfare, to support and communicate with the child are, in the opinion of the court, only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. The term "abandoned" does not include an abandoned newborn infant as described in s. 383.50, a "child in need of services" as defined in chapter 984, or a "family in need of services" as defined in chapter 984. The incarceration of a parent, legal custodian, or caregiver responsible for a child's welfare may support a finding of abandonment.

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

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

(e) Abandons the child. Within the context of the definition of "harm," the term "abandoned the child" or "abandonment of the child" means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, makes no provision for the child's support and has failed to establish or maintain a substantial and positive relationship with the child. For purposes of this paragraph, "establish or maintain a substantial and positive relationship" includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child "abandons the child" means that the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligation. If the efforts of the parent or legal custodian or person primarily responsible for the child's welfare to support and communicate with the child are only marginal efforts that do not evince a settled purpose to assume all parental duties, the child may be determined to have been abandoned. The term "abandoned" does not include an abandoned newborn infant as described in s. 383.50.

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

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

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

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

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

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

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

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

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

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

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

39.0138 Criminal history records check; limit on placement of a child.—

(1) The department shall conduct a criminal history records check on ~~for~~ all persons being considered by the department ~~for approval~~ for placement of a child subject to a placement decision under this chapter, including all

nonrelative placement decisions, all members of the household of the person being considered, and frequent visitors to the household. For purposes of this section, a criminal history records check may include, but is not limited to, submission of fingerprints to the Department of Law Enforcement for processing and forwarding to the Federal Bureau of Investigation for state and national criminal history information, and local criminal records checks through local law enforcement agencies. A criminal history records check must also include a search of the department's automated abuse information system. The department shall establish by rule standards for evaluating any information contained in the automated system relating to a person who must be screened for purposes of making a placement decision.

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

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

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

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

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

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

(c) If the report is of an instance of known or suspected child abuse, abandonment, or neglect that occurred out of state and the alleged perpetrator and the child alleged to be a victim live out of state, the central abuse

hotline shall not accept the report or call for investigation, but shall transfer the information on the report to the appropriate state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Maintain and produce aggregate statistical reports monitoring patterns of child abuse, child abandonment, and child neglect. The department

shall collect and analyze child-on-child sexual abuse reports and include the information in aggregate statistical reports.

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

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

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

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

39.301 Initiation of protective investigations.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5)(4) ~~If In the event~~ the family or caregiver of the alleged juvenile sexual offender or child who has exhibited inappropriate sexual behavior fails to

adequately participate or allow for the adequate participation of the child juvenile sexual offender in the services or treatment delineated in the case plan, the case manager may recommend that the department:

- (a) Close the case;
 - (b) Refer the case to mediation or arbitration, if available; or
 - (c) Notify the appropriate law enforcement agency of failure to comply.
- ~~(5) Services to the alleged juvenile sexual offender, the victim, and respective caregivers or family under this section shall be voluntary and of necessary duration.~~

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

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

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

- (a) Release the child to:
 1. The parent or legal custodian of the child;
 2. A responsible adult approved by the court when limited to temporary emergency situations;
 3. A responsible adult relative or the adoptive parent of the child's sibling who shall be given priority consideration over a nonrelative placement when this is in the best interests of the child; or
 4. A responsible adult approved by the department; or
- (b) Deliver the child to an authorized agent of the department, stating the facts by reason of which the child was taken into custody and sufficient information to establish probable cause that the child is abandoned, abused, or neglected, or otherwise dependent.

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

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

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

(b) If the facts are sufficient to support the filing of the shelter petition and the child has not been returned to the custody of the parent or legal custodian, the department shall file the petition and schedule a hearing, and the attorney representing the department shall request that a shelter hearing be held within as quickly as possible, not to exceed 24 hours after the removal of the child. While awaiting the shelter hearing, the authorized agent of the department may place the child in licensed shelter care or may release the child to a parent or legal custodian or responsible adult relative or the adoptive parent of the child's sibling who shall be given priority consideration over a licensed placement, or a responsible adult approved by the department if when this is in the best interests of the child. ~~Any Placement of a child which is not in a licensed shelter must be preceded by a criminal history records check as required under s. 39.0138 local and state criminal records check, as well as a search of the department's automated abuse information system, on all members of the household, to assess the child's safety within the home.~~ In addition, the department may authorize placement of a housekeeper/homemaker in the home of a child alleged to be dependent until the parent or legal custodian assumes care of the child.

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

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

39.502 Notice, process, and service.—

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

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

39.503 Identity or location of parent unknown; special procedures.—

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

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

39.504 Injunction pending disposition of petition; penalty.—

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

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

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

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

(a)(b) The injunction shall apply to the alleged or actual offender in a case of child abuse or acts of domestic violence ~~an unlawful sexual offense involv-~~

~~ing a child.~~ The conditions of the injunction shall be determined by the court, which conditions may include ordering the alleged or actual offender to:

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

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

1. Awarding the exclusive use and possession of the dwelling to the caregiver or excluding the alleged or actual offender from the residence of the caregiver.
2. Awarding temporary custody of the child to the caregiver.
3. Establishing temporary support for the child. At any time prior to the disposition of the petition, the alleged or actual offender may offer the court evidence of changed circumstances as a ground to dissolve or modify the injunction.

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

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

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

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

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

39.507 Adjudicatory hearings; orders of adjudication.—

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

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

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

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

39.521 Disposition hearings; powers of disposition.—

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

(a) A written case plan and a predisposition study prepared by an authorized agent of the department must be filed with the court, ~~and~~ served upon the parents of the child, provided to the representative of the guardian ad litem program, if the program has been appointed, and provided to all other parties, not less than 72 hours before the disposition hearing. All such case plans must be approved by the court. If the court does not approve the case plan at the disposition hearing, the court must set a hearing within 30 days after the disposition hearing to review and approve the case plan. The court may grant an exception to the requirement for a predisposition study by

separate order or within the judge's order of disposition upon finding that all the family and child information required by subsection (2) is available in other documents filed with the court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39.701 Judicial review.—

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

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

- (b) The foster parent or legal custodian in whose home the child resides.
- (c) The parents.
- (d) The guardian ad litem for the child, or the representative of the guardian ad litem program if the program has been appointed.
- (e) The attorney for the child.
- (f) The child, if the child is 13 years of age or older.
- ~~(g)(e)~~ Any preadoptive parent.
- (h)(f) Such other persons as the court may ~~in its discretion~~ direct.

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

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

39.8055 Requirement to file a petition to terminate parental rights; exceptions.—

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

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

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

(c) A parent has been convicted of the murder of the other parent, ~~man-slaughter of the other parent~~, aiding or abetting the murder, or conspiracy or solicitation to murder the other parent or another child of the parent, or a felony battery that resulted in serious bodily injury to the child or to another ~~any other~~ child of the parent; or

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

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

39.806 Grounds for termination of parental rights.—

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

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

1. The child continues to be abused, neglected, or abandoned by the parent or parents. ~~In this case,~~ The failure of the parent or parents to substantially comply with the case plan for a period of 9 12 months after an adjudication of the child as a dependent child or the child's placement into shelter care, whichever occurs ~~came~~ first, constitutes evidence of continuing abuse, neglect, or abandonment unless the failure to substantially comply with the case plan was due ~~either~~ to the parent's lack of financial resources ~~of the parents~~ or to the failure of the department to make reasonable efforts to reunify the parent and child. The 9-month 12-month period begins to run only after the child's placement into shelter care or the entry of a disposition order placing the custody of the child with the department or a person other than the parent and the court's approval ~~by the court~~ of a case plan having the ~~with~~ a goal of reunification with the parent, whichever occurs ~~came~~ first; ~~or~~

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

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

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

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

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

(h) ~~When~~ The parent or parents have committed the murder, manslaughter, aiding or abetting the murder, or conspiracy or solicitation to murder the other parent or another child, or a felony battery that resulted in serious bodily injury to the child or to another child ~~committed murder or voluntary manslaughter of another child, or a felony assault that results in serious bodily injury to the child or another child, or aided or abetted, attempted,~~

conspired, or solicited to commit such a murder or voluntary manslaughter or felony assault.

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

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

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

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

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

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

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

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

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record are exempt from the provisions of s. 119.07(1) and shall be made and issued only for

departmental administrative purposes; for the issuance of duplicate licenses; in response to law enforcement agency requests; to the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075; to the Department of Revenue pursuant to an interagency agreement for use in establishing paternity and establishing, modifying, or enforcing support obligations in Title IV-D cases; to the Department of Children and Family Services pursuant to an interagency agreement to conduct protective investigations under part III of chapter 39; or to the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims, ~~and are exempt from the provisions of s. 119.07(1).~~

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

402.401 Florida Child Welfare Student Loan Forgiveness Program.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

409.1671 Foster care and related services; outsourcing.—

(1)

(h) Other than an entity to which s. 768.28 applies, any eligible lead community-based provider, as defined in paragraph (e), or its employees or officers, except as otherwise provided in paragraph (i), must, as a part of its contract, obtain a minimum of \$1 million per claim/\$3 million per incident in general liability insurance coverage. The eligible lead community-based provider must also require that staff who transport client children and families in their personal automobiles in order to carry out their job responsibilities obtain minimum bodily injury liability insurance in the amount of \$100,000 per claim, \$300,000 per incident, on their personal automobiles. In lieu of personal motor vehicle insurance, the lead community-based provider's casualty, liability, or motor vehicle insurance carrier may provide non-owned automobile liability coverage. This insurance provides liability insurance for automobiles that the provider uses in connection with the provider's business but does not own, lease, rent, or borrow. This coverage includes automobiles owned by the employees of the provider or a member of the employee's household but only while the automobiles are used in connection with the provider's business. The nonowned automobile coverage for the provider applies as excess coverage over any other collectible insurance. The personal automobile policy for the employee of the provider shall be primary insurance and the nonowned automobile coverage of the provider acts as excess insurance to the primary insurance. The provider shall provide a minimum limit of \$1 million in nonowned automobile coverage. In any tort action brought against such an eligible lead community-based provider or employee, net economic damages shall be limited to \$1 million per liability claim and \$100,000 per automobile claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In any tort action brought against such an eligible lead community-based provider, noneconomic damages shall be limited to \$200,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76. The lead community-based provider shall not be liable in tort for the acts or omissions of its subcontractors or the officers, agents, or employees of its subcontractors.

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

employee's household but only while the automobiles are used in connection with the subcontractor's business. The nonowned automobile coverage for the subcontractor applies as excess coverage over any other collectible insurance. The personal automobile policy for the employee of the subcontractor shall be primary insurance and the nonowned automobile coverage of the subcontractor acts as excess insurance to the primary insurance. The subcontractor shall provide a minimum limit of \$1 million in nonowned automobile coverage. In any tort action brought against such subcontractor or employee, net economic damages shall be limited to \$1 million per liability claim and \$100,000 per automobile claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In any tort action brought against such subcontractor, noneconomic damages shall be limited to \$200,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76.

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

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

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

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

787.04 Removing minors from state or concealing minors contrary to state agency order or court order.—

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

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

937.021 Missing child reports.—

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

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

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

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

39.0015 Child abuse prevention training in the district school system.—

(3) DEFINITIONS.—As used in this section:

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

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

39.205 Penalties relating to reporting of child abuse, abandonment, or neglect.—

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

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

39.302 Protective investigations of institutional child abuse, abandonment, or neglect.—

(1) The department shall conduct a child protective investigation of each report of institutional child abuse, abandonment, or neglect. Upon receipt of a report that alleges that an employee or agent of the department, or any other entity or person covered by s. 39.01(33) or (47) s. 39.01(32) or (46), acting in an official capacity, has committed an act of child abuse, abandonment, or neglect, the department shall initiate a child protective investigation within the timeframe established ~~by the central abuse hotline~~ under s. 39.201(5) and orally notify the appropriate state attorney, law enforcement agency, and licensing agency, ~~which. These agencies~~ shall immediately conduct a joint investigation, unless independent investigations are more feasible. When conducting investigations onsite or having face-to-face interviews with the child, ~~such~~ investigation visits shall be unannounced unless it is determined by the department or its agent that ~~the~~ unannounced visits ~~would~~ threaten the safety of the child. ~~If~~ When a facility is exempt from licensing, the department shall inform the owner or operator of the facility of the report. Each agency conducting a joint investigation is entitled to full access to the information gathered by the department in the course of the investigation. A protective investigation must include an onsite visit of the child's place of residence. ~~In all cases,~~ The department shall make a full written report to the state attorney within 3 working days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of the investigation, the state attorney shall report the findings to the department and shall include in the report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

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

39.6011 Case plan development.—

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

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

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

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

39.811 Powers of disposition; order of disposition.—

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

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

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

39.828 Grounds for appointment of a guardian advocate.—

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

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

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

419.001 Site selection of community residential homes.—

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

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

Section 31. (1) Notwithstanding the provisions of s. 216.181(2)(f), Florida Statutes, the Legislative Budget Commission may consider the approval of a budget amendment for fiscal year 2008-2009 appropriations only, recommended by the Executive Office of the Governor and submitted by the Department of Children and Family Services, requesting additional trust fund authority for expenditures enhancing child protection and adoption.

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

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

Approved by the Governor June 30, 2008.

Filed in Office Secretary of State June 30, 2008.