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CHAMBER ACTION

Senate

House

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Floor: 1/RE/2R  
4/23/2008 10:07 PM

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1 Senator Storms moved the following **amendment**:

2  
3 **Senate Amendment (with title amendment)**

4 Delete everything after the enacting clause  
5 and insert:

6  
7 Section 1. Subsection (1) and paragraphs (e) and (g) of  
8 present subsection (31) of section 39.01, Florida Statutes, are  
9 amended, present subsections (14) through (74) are renumbered as  
10 subsections (15) through (75), respectively, and a new subsection  
11 (14) is added to that section, to read:

12 39.01 Definitions.--When used in this chapter, unless the  
13 context otherwise requires:

14 (1) "Abandoned" or "abandonment" means a situation in which  
15 the parent or legal custodian of a child or, in the absence of a  
16 parent or legal custodian, the caregiver ~~responsible for the~~  
17 ~~child's welfare~~, while being able, makes no provision for the



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18 child's support and has failed to establish or maintain a  
19 substantial and positive relationship with the child. For  
20 purposes of this subsection, "establish or maintain a substantial  
21 and positive relationship" includes, but is not limited to,  
22 frequent and regular contact with the child through frequent and  
23 regular visitation or frequent and regular communication to or  
24 with the child, and the exercise of parental rights and  
25 responsibilities. Marginal efforts and incidental or token visits  
26 or communications are not sufficient to establish or maintain a  
27 substantial and positive relationship with a child. ~~and makes no~~  
28 ~~effort to communicate with the child, which situation is~~  
29 ~~sufficient to evince a willful rejection of parental~~  
30 ~~obligations. If the efforts of the parent or legal custodian, or~~  
31 ~~caregiver primarily responsible for the child's welfare, to~~  
32 ~~support and communicate with the child are, in the opinion of the~~  
33 ~~court, only marginal efforts that do not evince a settled purpose~~  
34 ~~to assume all parental duties, the court may declare the child to~~  
35 ~~be abandoned. The term "abandoned" does not include an abandoned~~  
36 ~~newborn infant as described in s. 383.50, a "child in need of~~  
37 ~~services" as defined in chapter 984, or a "family in need of~~  
38 ~~services" as defined in chapter 984. The incarceration of a~~  
39 ~~parent, legal custodian, or caregiver responsible for a child's~~  
40 ~~welfare may support a finding of abandonment.~~

41 (14) "Child who has exhibited inappropriate sexual  
42 behavior" means a child who is 12 years of age or younger and who  
43 has been found by the department or the court to have committed  
44 an inappropriate sexual act on himself or herself or another  
45 individual.

46 (32)-(31) "Harm" to a child's health or welfare can occur  
47 when any person:



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48           (e) Abandons the child. Within the context of the  
49 definition of "harm," the term "abandoned the child" or  
50 "abandonment of the child" means a situation in which the parent  
51 or legal custodian of a child or, in the absence of a parent or  
52 legal custodian, the caregiver, while being able, makes no  
53 provision for the child's support and has failed to establish or  
54 maintain a substantial and positive relationship with the child.  
55 For purposes of this paragraph, "establish or maintain a  
56 substantial and positive relationship" includes, but is not  
57 limited to, frequent and regular contact with the child through  
58 frequent and regular visitation or frequent and regular  
59 communication to or with the child, and the exercise of parental  
60 rights and responsibilities. Marginal efforts and incidental or  
61 token visits or communications are not sufficient to establish or  
62 maintain a substantial and positive relationship with a child.  
63 ~~"abandons the child" means that the parent or legal custodian of~~  
64 ~~a child or, in the absence of a parent or legal custodian, the~~  
65 ~~person responsible for the child's welfare, while being able,~~  
66 ~~makes no provision for the child's support and makes no effort to~~  
67 ~~communicate with the child, which situation is sufficient to~~  
68 ~~evince a willful rejection of parental obligation. If the efforts~~  
69 ~~of the parent or legal custodian or person primarily responsible~~  
70 ~~for the child's welfare to support and communicate with the child~~  
71 ~~are only marginal efforts that do not evince a settled purpose to~~  
72 ~~assume all parental duties, the child may be determined to have~~  
73 ~~been abandoned. The term "abandoned" does not include an~~  
74 ~~abandoned newborn infant as described in s. 383.50.~~

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



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

85           2. Evidence of extensive, abusive, and ~~Continued~~ chronic  
86 ~~and severe~~ use of a controlled substance or alcohol by a parent  
87 when the child is demonstrably adversely affected by such usage.  
88

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

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

95           39.0121 Specific rulemaking authority.--Pursuant to the  
96 requirements of s. 120.536, the department is specifically  
97 authorized to adopt, amend, and repeal administrative rules which  
98 implement or interpret law or policy, or describe the procedure  
99 and practice requirements necessary to implement this chapter,  
100 including, but not limited to, the following:

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

105           (a) Provide comprehensive, explicit, and consistent  
106 guidelines to be followed by the department's employees and



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107 contracted providers when the whereabouts of a child involved  
108 with the department is unknown.

109 (b) Include criteria to determine when a child is missing  
110 for purposes of making a report to a law enforcement agency, and  
111 require that in all cases in which a law enforcement agency has  
112 accepted a case for criminal investigation pursuant to s.

113 39.301(2)(c) and the child's whereabouts are unknown, the child  
114 shall be considered missing and a report made.

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

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

121 39.0138 Criminal history records check; limit on placement  
122 of a child.--

123 (1) The department shall conduct a criminal history records  
124 check on ~~for~~ all persons being considered by the department ~~for~~  
125 ~~approval~~ for placement of a child subject to a placement decision  
126 under this chapter, including all nonrelative placement  
127 decisions, all members of the household of the person being  
128 considered, and frequent visitors to the household. For purposes  
129 of this section, a criminal history records check may include,  
130 but is not limited to, submission of fingerprints to the  
131 Department of Law Enforcement for processing and forwarding to  
132 the Federal Bureau of Investigation for state and national  
133 criminal history information, and local criminal records checks  
134 through local law enforcement agencies. A criminal history  
135 records check must also include a search of the department's  
136 automated abuse information system. The department shall



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137 establish by rule standards for evaluating any information  
138 contained in the automated system relating to a person who must  
139 be screened for purposes of making a placement decision.

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

142 39.0141 Missing children; report required.--Whenever the  
143 whereabouts of a child involved with the department becomes  
144 unknown, the department, the community-based care provider, or  
145 the sheriff's office providing investigative services for the  
146 department shall make reasonable efforts, as defined by rule, to  
147 locate the child. If, pursuant to criteria established by rule,  
148 the child is determined to be missing, the department, the  
149 community-based care provider, or the sheriff's office shall file  
150 a report that the child is missing in accordance with s. 937.021.

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

153 39.201 Mandatory reports of child abuse, abandonment, or  
154 neglect; mandatory reports of death; central abuse hotline.--

155 (2) (a) Each report of known or suspected child abuse,  
156 abandonment, or neglect by a parent, legal custodian, caregiver,  
157 or other person responsible for the child's welfare as defined in  
158 this chapter, except those solely under s. 827.04(3), and each  
159 report that a child is in need of supervision and care and has no  
160 parent, legal custodian, or responsible adult relative  
161 immediately known and available to provide supervision and care  
162 shall be made immediately to the department's central abuse  
163 hotline. Such reports may be made on the single statewide toll-  
164 free telephone number or by fax or e-mail. Personnel at the  
165 ~~department's central abuse~~ hotline shall determine if the report  
166 received meets the statutory definition of child abuse,



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167 abandonment, or neglect. Any report meeting one of these  
168 definitions shall be accepted for the protective investigation  
169 pursuant to part III of this chapter.

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

176 (c) If the report is of an instance of known or suspected  
177 child abuse, abandonment, or neglect that occurred out of state  
178 and the alleged perpetrator and the child alleged to be a victim  
179 live out of state, the central abuse hotline may ~~shall~~ not accept  
180 the call or report for investigation, but shall transfer the  
181 information ~~on the report~~ to the appropriate state.

182 (d) If the report is of an instance of known or suspected  
183 child abuse involving impregnation of a child under 16 years of  
184 age by a person 21 years of age or older solely under s.  
185 827.04(3), the report shall be made immediately to the  
186 appropriate county sheriff's office or other appropriate law  
187 enforcement agency. If the report is of an instance of known or  
188 suspected child abuse solely under s. 827.04(3), the reporting  
189 provisions of this subsection do not apply to health care  
190 professionals or other persons who provide medical or counseling  
191 services to pregnant children when such reporting would interfere  
192 with the provision of medical services.

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



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

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

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

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

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

220 1. If the report is of an abandoned newborn infant as  
221 described in s. 383.50 and there is no indication of abuse,  
222 neglect, or abandonment other than that ~~necessarily~~ entailed in  
223 the infant having been left at a hospital, emergency medical  
224 services station, or fire station, the department shall provide  
225 to the caller the name of a licensed child-placing agency on a



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226 rotating basis from a list of licensed child-placing agencies  
227 eligible and required to accept physical custody of and to place  
228 newborn infants left at a hospital, emergency medical services  
229 station, or fire station. The report may ~~shall~~ not be considered  
230 a report of abuse, neglect, or abandonment solely because the  
231 infant has been left at a hospital, emergency medical services  
232 station, or fire station pursuant to s. 383.50.

233 2. If the call, fax, or e-mail includes ~~caller reports~~  
234 indications of abuse or neglect beyond that necessarily entailed  
235 in the infant having been left at a hospital, emergency medical  
236 services station, or fire station, the report shall be considered  
237 ~~as~~ a report of abuse, neglect, or abandonment and is ~~shall be~~  
238 subject to the requirements of s. 39.395 and all other relevant  
239 provisions of this chapter, notwithstanding any provisions of  
240 chapter 383.

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

253 (i) The department shall voice-record all incoming or  
254 outgoing calls that are received or placed by the central abuse  
255 hotline and shall maintain an electronic copy of each fax or e-



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256 mail that relates ~~which relate~~ to suspected or known child abuse,  
257 neglect, or abandonment. The recording or electronic copy of each  
258 fax and e-mail shall become a part of the record of the report  
259 but, notwithstanding s. 39.202, shall be released in full only to  
260 law enforcement agencies and state attorneys for the purpose of  
261 investigating and prosecuting criminal charges pursuant to s.  
262 39.205, or to employees of the department for the purpose of  
263 investigating and seeking administrative penalties pursuant to s.  
264 39.206. ~~Nothing in~~ This paragraph does not shall prohibit the use  
265 of the recordings or electronic copies of faxes or e-mails by  
266 hotline staff for quality assurance and training.

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

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

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

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



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285 (d) Maintain and produce aggregate statistical reports  
286 monitoring patterns of child abuse, child abandonment, and child  
287 neglect. The department shall collect and analyze child-on-child  
288 sexual abuse reports and include the information in aggregate  
289 statistical reports.

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

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

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

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

308 39.301 Initiation of protective investigations.--

309 (1) Upon receiving a an oral or written report of known or  
310 suspected child abuse, abandonment, or neglect, or that a child  
311 is in need of supervision and care and has no parent, legal  
312 custodian, or responsible adult relative immediately known and  
313 available to provide supervision and care, the central abuse  
314 hotline shall determine if the report requires an immediate



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315 onsite protective investigation. For reports requiring an  
316 immediate onsite protective investigation, the central abuse  
317 hotline shall immediately notify the department's designated  
318 ~~children and families~~ district staff responsible for protective  
319 investigations to ensure that an onsite investigation is promptly  
320 initiated. For reports not requiring an immediate onsite  
321 protective investigation, the central abuse hotline shall notify  
322 the department's designated ~~children and families~~ district staff  
323 responsible for protective investigations in sufficient time to  
324 allow for an investigation. At the time of notification ~~of~~  
325 ~~district staff with respect to the report~~, the central abuse  
326 hotline shall also provide information to district staff on any  
327 previous report concerning a subject of the present report or any  
328 pertinent information relative to the present report or any noted  
329 earlier reports.

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

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

340 (b) In child death cases, the final report of the medical  
341 examiner is necessary for the department to close its  
342 investigation, and the report has not been received within the  
343 60-day period, in which case the report closure date shall be  
344 extended to accommodate to the report.



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

351       Section 7. Subsections (2), (3), (4), and (5) of section  
352 39.307, Florida Statutes, are amended to read:

353       39.307 Reports of child-on-child sexual abuse.--

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

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

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

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

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

371       (b) The caregiver of the alleged juvenile sexual offender  
372 or child who has exhibited inappropriate sexual behavior and the  
373 victim's caregiver ~~of the victim~~ shall be involved to the fullest



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374 extent possible in determining the nature of the allegation and  
375 the nature of any problem or risk to other children.

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

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

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

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

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

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

402 2. Services accepted by alleged offender. Services were  
403 offered to the alleged juvenile sexual offender or child who has



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404 exhibited inappropriate sexual behavior and accepted by the  
405 caregiver.

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

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

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

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

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

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

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

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

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



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

437           ~~(5)(4)~~ If In the event the family or caregiver of the  
438 alleged juvenile sexual offender or child who has exhibited  
439 inappropriate sexual behavior fails to adequately participate or  
440 allow for the adequate participation of the child ~~juvenile sexual~~  
441 ~~offender~~ in the services or treatment delineated in the case  
442 plan, the case manager may recommend that the department:

443           (a) Close the case;

444           (b) Refer the case to mediation or arbitration, if  
445 available; or

446           (c) Notify the appropriate law enforcement agency of  
447 failure to comply.

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

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

454           39.401 Taking a child alleged to be dependent into custody;  
455 law enforcement officers and authorized agents of the  
456 department.--

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

459           (a) Release the child to:

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

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



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

466           4. The adoptive parent of the child's sibling, if such  
467 sibling was previously adopted, who shall be given priority  
468 consideration over a nonrelative placement if it is in the best  
469 interest of the child to do so; or

470           5.4. A responsible adult approved by the department; or

471           (b) Deliver the child to an authorized agent of the  
472 department, stating the facts by reason of which the child was  
473 taken into custody and sufficient information to establish  
474 probable cause that the child is abandoned, abused, or neglected,  
475 or otherwise dependent.

476  
477 For cases involving allegations of abandonment, abuse, or  
478 neglect, or other dependency cases, within 3 days after such  
479 release or within 3 days after delivering the child to an  
480 authorized agent of the department, the law enforcement officer  
481 who took the child into custody shall make a full written report  
482 to the department.

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

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



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

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



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521 | nonrelative seek licensure as a foster care provider within 30  
522 | days after the court decision.

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

525 |       39.502 Notice, process, and service.--

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

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

537 |       39.503 Identity or location of parent unknown; special  
538 | procedures.--

539 |       (6) The diligent search required by subsection (5) must  
540 | include, at a minimum, inquiries of all relatives of the parent  
541 | or prospective parent made known to the petitioner, inquiries of  
542 | all offices of program areas of the department likely to have  
543 | information about the parent or prospective parent, inquiries of  
544 | other state and federal agencies likely to have information about  
545 | the parent or prospective parent, inquiries of appropriate  
546 | utility and postal providers, a thorough search of at least one  
547 | electronic database specifically designed for locating persons,  
548 | and inquiries of appropriate law enforcement agencies. Pursuant  
549 | to s. 453 of the Social Security Act, 42 U.S.C. s. 653(c)(4), the  
550 | department, as the state agency administering Titles IV-B and IV-



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551 E of the act, shall be provided access to the federal and state  
552 parent locator service for diligent search activities.

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

555 39.504 Injunction pending disposition of petition;  
556 penalty.--

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

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

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



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581 modify it in accordance with ~~the other provisions of this~~  
582 section.

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

591 ~~(a)(b)~~ The injunction shall apply to the alleged or actual  
592 offender in a case of child abuse or acts of domestic violence ~~an~~  
593 ~~unlawful sexual offense involving a child~~. The conditions of the  
594 injunction shall be determined by the court, which conditions may  
595 include ordering the alleged or actual offender to:

596 1. Refrain from further abuse or acts of domestic violence  
597 ~~unlawful sexual activity involving a child~~.

598 2. Participate in a specialized treatment program.

599 3. Limit contact or communication with the child victim,  
600 other children in the home, or any other child.

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

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

604 6. Pay temporary support for the child or other family  
605 members; the costs of medical, psychiatric, and psychological  
606 treatment for the child ~~victim~~ incurred as a result of the  
607 offenses; and similar costs for other family members.

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

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



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611        1. Awarding the exclusive use and possession of the  
612 dwelling to the caregiver or excluding the alleged or actual  
613 offender from the residence of the caregiver.

614        2. Awarding temporary custody of the child to the  
615 caregiver.

616        3. Establishing temporary support for the child. ~~At any~~  
617 ~~time prior to the disposition of the petition, the alleged or~~  
618 ~~actual offender may offer the court evidence of changed~~  
619 ~~circumstances as a ground to dissolve or modify the injunction.~~

620  
621 This paragraph does not preclude the adult victim of domestic  
622 violence from seeking protection under s. 741.30.

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

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

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



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641 | misdemeanor of the first degree, punishable as provided in s.  
642 | 775.082 or s. 775.083.

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

645 |       39.507 Adjudicatory hearings; orders of adjudication.--

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

652 |       (b) Upon a properly noticed motion, a subsequent  
653 | evidentiary hearing may be held regarding the conduct of one  
654 | parent, both parents, or a custodian. With court approval,  
655 | supplemental findings made beyond a preponderance of the evidence  
656 | may be entered. The child's dependency status may not be retried  
657 | or readjudicated.

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

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

669 |       39.521 Disposition hearings; powers of disposition.--



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

678 (a) A written case plan and a predisposition study prepared  
679 by an authorized agent of the department must be filed with the  
680 court, ~~and~~ served upon the parents of the child, provided to the  
681 representative of the guardian ad litem program, if the program  
682 has been appointed, and provided to all other parties, not less  
683 than 72 hours before the disposition hearing. All such case plans  
684 must be approved by the court. If the court does not approve the  
685 case plan at the disposition hearing, the court must set a  
686 hearing within 30 days after the disposition hearing to review  
687 and approve the case plan. The court may grant an exception to  
688 the requirement for a predisposition study by separate order or  
689 within the judge's order of disposition upon finding that all the  
690 family and child information required by subsection (2) is  
691 available in other documents filed with the court.

692 (f) If the court places the child in an out-of-home  
693 placement, the disposition order must include a written  
694 determination that the child cannot safely remain at home with  
695 reunification or family preservation services and that removal of  
696 the child is necessary to protect the child. If the child is ~~has~~  
697 ~~been~~ removed before the disposition hearing, the order must also  
698 include a written determination as to whether, after removal, the  
699 department ~~has~~ made a reasonable effort to reunify the parent and



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700 | child, ~~if reasonable efforts are required~~. Reasonable efforts to  
701 | reunify are not required if the court finds ~~has found~~ that any of  
702 | the acts listed in s. 39.806(1)(f)-(l) ~~s. 39.806(1)(f)-(i)~~ have  
703 | occurred. The department has the burden of demonstrating that it  
704 | ~~has made reasonable efforts under this paragraph~~.

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

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

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

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

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

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

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

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

728 |           c. The child cannot safely remain at home, ~~either~~ because  
729 | there are no preventive services that can ensure the health and



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730 safety of the child or, even with appropriate and available  
731 services being provided, the health and safety of the child  
732 cannot be ensured; or

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

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

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

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

749 39.621 Permanency determination by the court.--

750 (6) If a child will not be reunited with a parent,  
751 adoption, under chapter 63, is the primary permanency option. If  
752 the child is a sibling of a previously adopted child and the  
753 child becomes available for adoption, the adoptive parent of the  
754 previously placed sibling shall be offered the opportunity to  
755 apply to adopt the child and the adoptive parent's application  
756 shall be given the same consideration as a relative's application  
757 for adoption. If the child is placed with a relative or with a  
758 relative of the child's half-brother or half-sister as a  
759 permanency option, the court may recognize the permanency of this



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760 placement without requiring the relative to adopt the child. If  
761 the court approves a permanency goal of permanent guardianship of  
762 a dependent child, placement with a fit and willing relative, or  
763 another planned permanent living arrangement, the court shall  
764 make findings as to why this permanent placement is established  
765 without adoption of the child to follow. If the court approves a  
766 permanency goal of another planned permanent living arrangement,  
767 the court shall document the compelling reasons for choosing this  
768 goal.

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

771 39.701 Judicial review.--

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

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

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

783 (c) The parents.

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

787 (e) The attorney for the child.

788 (f) The child, if the child is 15 years of age or older.

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



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

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

797            Section 16. Subsection (1) of section 39.8055, Florida  
798 Statutes, is amended to read:

799            39.8055 Requirement to file a petition to terminate  
800 parental rights; exceptions.--

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

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

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

811            (c) A parent has been convicted of the murder ~~of the other~~  
812 ~~parent~~, manslaughter ~~of the other parent~~, aiding or abetting the  
813 murder, or conspiracy or solicitation to murder the other parent  
814 or another child of the parent, or a felony battery that resulted  
815 in serious bodily injury to the child or to another ~~any other~~  
816 child of the parent; or

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



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819 Section 17. Paragraphs (e) through (h) of subsection (1) of  
820 section 39.806, Florida Statutes, are amended, paragraphs (j),  
821 (k), and (l) are added to that subsection, and subsections (2),  
822 (3), and (4) of that section are amended, to read:

823 39.806 Grounds for termination of parental rights.--

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

826 (e) ~~The~~ ~~When~~ a child has been adjudicated dependent, a case  
827 plan has been filed with the court, and the parent or parents  
828 have materially breached the case plan. For purposes of this  
829 subsection, the term "materially breached" means:

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

846 2. The parent or parents are unlikely or unable ~~The parent~~  
847 ~~has materially breached the case plan by making it unlikely that~~  
848 ~~he or she will be able~~ to substantially comply with the case plan



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849 before the time for compliance expires; ~~or. Time is of the~~  
850 ~~essence for permanency of children in the dependency system. In~~  
851 ~~order to prove the parent has materially breached the case plan,~~  
852 ~~the court must find by clear and convincing evidence that the~~  
853 ~~parent is unlikely or unable to substantially comply with the~~  
854 ~~case plan before time expires to comply with the case plan.~~

855 3. The parent or parents, although able, fail to maintain  
856 frequent and regular contact with the child through frequent and  
857 regular visitation or communication.

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

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

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

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



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878           (h) ~~When~~ The parent or parents have been convicted of the  
879 murder, manslaughter, aiding or abetting the murder, or  
880 conspiracy or solicitation to murder the other parent or another  
881 child, or a felony battery that resulted in serious bodily injury  
882 to the child or to another child ~~committed murder or voluntary~~  
883 ~~manslaughter of another child, or a felony assault that results~~  
884 ~~in serious bodily injury to the child or another child, or aided~~  
885 ~~or abetted, attempted, conspired, or solicited to commit such a~~  
886 ~~murder or voluntary manslaughter or felony assault.~~

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

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

895           (k) A test administered at birth that indicated that the  
896 child's blood, urine, or meconium contained any amount of alcohol  
897 or a controlled substance or metabolites of such substances, the  
898 presence of which was not the result of medical treatment  
899 administered to the mother or the newborn infant, and the  
900 biological mother of the child is the biological mother of at  
901 least one other child who was adjudicated dependent after a  
902 finding of harm to the child's health or welfare due to exposure  
903 to a controlled substance or alcohol as defined in s.  
904 39.01(31)(g), after which the biological mother had the  
905 opportunity to participate in substance abuse treatment.

906           (l) On three or more occasions the child or another child  
907 of the parent or parents has been placed in out-of-home care



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908 pursuant to this chapter, and the conditions that led to the  
909 child's out-of-home placement were caused by the parent or  
910 parents.

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

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

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

928 Section 18. Section 39.810, Florida Statutes, is amended to  
929 read:

930 39.810 Manifest best interests of the child.--In a hearing  
931 on a petition for termination of parental rights, the court shall  
932 consider the manifest best interests of the child. This  
933 consideration shall not include a comparison between the  
934 attributes of the parents and those of any persons providing a  
935 present or potential placement for the child. For the purpose of  
936 determining the manifest best interests of the child, the court



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937 shall consider and evaluate all relevant factors, including, but  
938 not limited to:

939 (1) Any suitable permanent custody arrangement with a  
940 relative of the child. However, the availability of a nonadoptive  
941 placement with a relative may not receive greater consideration  
942 than any other factor weighing on the manifest best interest of  
943 the child and may not be considered as a factor weighing against  
944 termination of parental rights. If a child has been in a stable  
945 or preadoptive placement for not less than 6 months, the  
946 availability of a different placement, including a placement with  
947 a relative, may not be considered as a ground to deny the  
948 termination of parental rights.

949 (2) The ability and disposition of the parent or parents to  
950 provide the child with food, clothing, medical care or other  
951 remedial care recognized and permitted under state law instead of  
952 medical care, and other material needs of the child.

953 (3) The capacity of the parent or parents to care for the  
954 child to the extent that the child's safety, well-being, and  
955 physical, mental, and emotional health will not be endangered  
956 upon the child's return home.

957 (4) The present mental and physical health needs of the  
958 child and such future needs of the child to the extent that such  
959 future needs can be ascertained based on the present condition of  
960 the child.

961 (5) The love, affection, and other emotional ties existing  
962 between the child and the child's parent or parents, siblings,  
963 and other relatives, and the degree of harm to the child that  
964 would arise from the termination of parental rights and duties.



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965 (6) The likelihood of an older child remaining in long-term  
966 foster care upon termination of parental rights, due to emotional  
967 or behavioral problems or any special needs of the child.

968 (7) The child's ability to form a significant relationship  
969 with a parental substitute and the likelihood that the child will  
970 enter into a more stable and permanent family relationship as a  
971 result of permanent termination of parental rights and duties.

972 (8) The length of time that the child has lived in a  
973 stable, satisfactory environment and the desirability of  
974 maintaining continuity.

975 (9) The depth of the relationship existing between the  
976 child and the present custodian.

977 (10) The reasonable preferences and wishes of the child, if  
978 the court deems the child to be of sufficient intelligence,  
979 understanding, and experience to express a preference.

980 (11) The recommendations for the child provided by the  
981 child's guardian ad litem or legal representative.

982

983 If the court finds that termination of parental rights is in the  
984 manifest best interests of the child, the court shall also find  
985 that termination of parental rights is the least restrictive  
986 means of protecting the child.

987 Section 19. Subsection (4) of section 322.142, Florida  
988 Statutes, is amended to read:

989 322.142 Color photographic or digital imaged licenses.--

990 (4) The department may maintain a film negative or print  
991 file. The department shall maintain a record of the digital image  
992 and signature of the licensees, together with other data required  
993 by the department for identification and retrieval. Reproductions  
994 from the file or digital record are exempt from the provisions of



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995 s. 119.07(1) and shall be made and issued only for departmental  
996 administrative purposes; for the issuance of duplicate licenses;  
997 in response to law enforcement agency requests; to the Department  
998 of State pursuant to an interagency agreement to facilitate  
999 determinations of eligibility of voter registration applicants  
1000 and registered voters in accordance with ss. 98.045 and 98.075;  
1001 to the Department of Revenue pursuant to an interagency agreement  
1002 for use in establishing paternity and establishing, modifying, or  
1003 enforcing support obligations in Title IV-D cases; to the  
1004 Department of Children and Family Services pursuant to an  
1005 interagency agreement to conduct protective investigations under  
1006 part III of chapter 39; or to the Department of Financial  
1007 Services pursuant to an interagency agreement to facilitate the  
1008 location of owners of unclaimed property, the validation of  
1009 unclaimed property claims, and the identification of fraudulent  
1010 or false claims, ~~and are exempt from the provisions of s.~~  
1011 ~~119.07(1).~~

1012 Section 20. Section 402.401, Florida Statutes, is amended  
1013 to read:

1014 402.401 Florida Child Welfare Student Loan Forgiveness  
1015 Program.--

1016 ~~(1)~~ There is created the Florida Child Welfare Student Loan  
1017 Forgiveness Program to be administered by the Department of  
1018 Children and Family Services Education. The program shall provide  
1019 loan reimbursement assistance to eligible employees in child  
1020 welfare positions that are critical to the department's mission,  
1021 as determined by the department, and that are within the  
1022 department, sheriff's offices, or contracted community-based care  
1023 agencies students for upper-division undergraduate and graduate  
1024 study. ~~The primary purpose of the program is to attract capable~~



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1025 ~~and promising students to the child welfare profession, increase~~  
1026 ~~employment and retention of individuals who are working towards~~  
1027 ~~or who have received either a bachelor's degree or a master's~~  
1028 ~~degree in social work, or any human services subject area that~~  
1029 ~~qualifies the individual for employment as a family services~~  
1030 ~~worker, and provide opportunities for persons making midcareer~~  
1031 ~~decisions to enter the child welfare profession. The State Board~~  
1032 ~~of Education shall adopt rules necessary to administer the~~  
1033 ~~program.~~

1034       ~~(2)(a) To be eligible for a program loan, the employee's~~  
1035 ~~outstanding student loans may not be in a default status. a~~  
1036 ~~candidate shall:~~

1037           ~~1. Be a full-time student at the upper-division~~  
1038 ~~undergraduate or graduate level in a social work program approved~~  
1039 ~~by the Council on Social Work Education leading to either a~~  
1040 ~~bachelor's degree or a master's degree in social work or an~~  
1041 ~~accredited human services degree program.~~

1042           ~~2. Have declared an intent to work in child welfare for at~~  
1043 ~~least the number of years for which a forgivable loan is received~~  
1044 ~~at the Department of Children and Family Services or its~~  
1045 ~~successor, or with an eligible lead community-based provider as~~  
1046 ~~defined in s. 409.1671.~~

1047           ~~3. If applying for an undergraduate forgivable loan, have~~  
1048 ~~maintained a minimum cumulative grade point average of at least a~~  
1049 ~~2.5 on a 4.0 scale for all undergraduate work. Renewal applicants~~  
1050 ~~for undergraduate loans shall have maintained a minimum~~  
1051 ~~cumulative grade point average of at least a 2.5 on a 4.0 scale~~  
1052 ~~for all undergraduate work and have earned at least 12 semester~~  
1053 ~~credits per term, or the equivalent.~~



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1054 ~~4. If applying for a graduate forgivable loan, have~~  
1055 ~~maintained an undergraduate cumulative grade point average of at~~  
1056 ~~least a 3.0 on a 4.0 scale or have attained a Graduate Record~~  
1057 ~~Examination score of at least 1,000. Renewal applicants for~~  
1058 ~~graduate loans shall have maintained a minimum cumulative grade~~  
1059 ~~point average of at least a 3.0 on a 4.0 scale for all graduate~~  
1060 ~~work and have earned at least 9 semester credits per term, or the~~  
1061 ~~equivalent.~~

1062 ~~(b) An undergraduate forgivable loan may be awarded for 2~~  
1063 ~~undergraduate years, not to exceed \$4,000 per year.~~

1064 ~~(c) A graduate forgivable loan may be awarded for 2~~  
1065 ~~graduate years, not to exceed \$8,000 per year. In addition to~~  
1066 ~~meeting criteria specified in paragraph (a), a loan recipient at~~  
1067 ~~the graduate level shall:~~

1068 ~~1. Hold a bachelor's degree from a school or department of~~  
1069 ~~social work at any college or university accredited by the~~  
1070 ~~Council on Social Work Education, or hold a degree in a human~~  
1071 ~~services field from an accredited college or university.~~

1072 ~~2. Not have received an undergraduate forgivable loan as~~  
1073 ~~provided for in paragraph (b).~~

1074 ~~(d) The State Board of Education shall adopt by rule~~  
1075 ~~repayment schedules and applicable interest rates under ss.~~  
1076 ~~1009.82 and 1009.95. A forgivable loan must be repaid within 10~~  
1077 ~~years after completion of a program of studies.~~

1078 ~~1. Credit for repayment of an undergraduate or graduate~~  
1079 ~~forgivable loan shall be in an amount not to exceed \$4,000 in~~  
1080 ~~loan principal plus applicable accrued interest for each full~~  
1081 ~~year of eligible service in the child welfare profession.~~

1082 ~~2. Any forgivable loan recipient who fails to work at the~~  
1083 ~~Department of Children and Family Services or its successor, or~~



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1084 ~~with an eligible lead community-based provider as defined in s.~~  
1085 ~~409.1671, is responsible for repaying the loan plus accrued~~  
1086 ~~interest at 8 percent annually.~~

1087 ~~3. Forgivable loan recipients may receive loan repayment~~  
1088 ~~credit for child welfare service rendered at any time during the~~  
1089 ~~scheduled repayment period. However, such repayment credit shall~~  
1090 ~~be applicable only to the current principal and accrued interest~~  
1091 ~~balance that remains at the time the repayment credit is earned.~~  
1092 ~~No loan recipient shall be reimbursed for previous cash payments~~  
1093 ~~of principal and interest.~~

1094 ~~(3)~~ This section shall be implemented only as specifically  
1095 funded.

1096 Section 21. Paragraphs (h) and (j) of subsection (1) of  
1097 section 409.1671, Florida Statutes, are amended to read:

1098 409.1671 Foster care and related services; outsourcing.--  
1099 (1)

1100 (h) Other than an entity to which s. 768.28 applies, any  
1101 eligible lead community-based provider, as defined in paragraph  
1102 (e), or its employees or officers, except as otherwise provided  
1103 in paragraph (i), must, as a part of its contract, obtain a  
1104 minimum of \$1 million per claim/\$3 million per incident in  
1105 general liability insurance coverage. The eligible lead  
1106 community-based provider must also require that staff who  
1107 transport client children and families in their personal  
1108 automobiles in order to carry out their job responsibilities  
1109 obtain minimum bodily injury liability insurance in the amount of  
1110 \$100,000 per claim, \$300,000 per incident, on their personal  
1111 automobiles. In lieu of personal motor vehicle insurance, the  
1112 lead community-based provider's casualty, liability, or motor  
1113 vehicle insurance carrier may provide nonowned automobile



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1114 liability coverage. This insurance provides liability insurance  
1115 for automobiles that the provider uses in connection with the  
1116 provider's business but does not own, lease, rent, or borrow.  
1117 This coverage includes automobiles owned by the employees of the  
1118 provider or a member of the employee's household but only while  
1119 the automobiles are used in connection with the provider's  
1120 business. The nonowned automobile coverage for the provider  
1121 applies as excess coverage over any other collectible insurance.  
1122 The personal automobile policy for the employee of the provider  
1123 shall be primary insurance and the nonowned automobile coverage  
1124 of the provider acts as excess insurance to the primary  
1125 insurance. The provider shall provide a minimum limit of \$1  
1126 million in nonowned automobile coverage. In any tort action  
1127 brought against such an eligible lead community-based provider or  
1128 employee, net economic damages shall be limited to \$1 million per  
1129 liability claim and \$100,000 per automobile claim, including, but  
1130 not limited to, past and future medical expenses, wage loss, and  
1131 loss of earning capacity, offset by any collateral source payment  
1132 paid or payable. In any tort action brought against such an  
1133 eligible lead community-based provider, noneconomic damages shall  
1134 be limited to \$200,000 per claim. A claims bill may be brought on  
1135 behalf of a claimant pursuant to s. 768.28 for any amount  
1136 exceeding the limits specified in this paragraph. Any offset of  
1137 collateral source payments made as of the date of the settlement  
1138 or judgment shall be in accordance with s. 768.76. The lead  
1139 community-based provider shall not be liable in tort for the acts  
1140 or omissions of its subcontractors or the officers, agents, or  
1141 employees of its subcontractors.

1142 (j) Any subcontractor of an eligible lead community-based  
1143 provider, as defined in paragraph (e), which is a direct provider



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1144 of foster care and related services to children and families, and  
1145 its employees or officers, except as otherwise provided in  
1146 paragraph (i), must, as a part of its contract, obtain a minimum  
1147 of \$1 million per claim/\$3 million per incident in general  
1148 liability insurance coverage. The subcontractor of an eligible  
1149 lead community-based provider must also require that staff who  
1150 transport client children and families in their personal  
1151 automobiles in order to carry out their job responsibilities  
1152 obtain minimum bodily injury liability insurance in the amount of  
1153 \$100,000 per claim, \$300,000 per incident, on their personal  
1154 automobiles. In lieu of personal motor vehicle insurance, the  
1155 subcontractor's casualty, liability, or motor vehicle insurance  
1156 carrier may provide nonowned automobile liability coverage. This  
1157 insurance provides liability insurance for automobiles that the  
1158 subcontractor uses in connection with the subcontractor's  
1159 business but does not own, lease, rent, or borrow. This coverage  
1160 includes automobiles owned by the employees of the subcontractor  
1161 or a member of the employee's household but only while the  
1162 automobiles are used in connection with the subcontractor's  
1163 business. The nonowned automobile coverage for the subcontractor  
1164 applies as excess coverage over any other collectible insurance.  
1165 The personal automobile policy for the employee of the  
1166 subcontractor shall be primary insurance and the nonowned  
1167 automobile coverage of the subcontractor acts as excess insurance  
1168 to the primary insurance. The subcontractor shall provide a  
1169 minimum limit of \$1 million in nonowned automobile coverage. In  
1170 any tort action brought against such subcontractor or employee,  
1171 net economic damages shall be limited to \$1 million per liability  
1172 claim and \$100,000 per automobile claim, including, but not  
1173 limited to, past and future medical expenses, wage loss, and loss



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1174 of earning capacity, offset by any collateral source payment paid  
1175 or payable. In any tort action brought against such  
1176 subcontractor, noneconomic damages shall be limited to \$200,000  
1177 per claim. A claims bill may be brought on behalf of a claimant  
1178 pursuant to s. 768.28 for any amount exceeding the limits  
1179 specified in this paragraph. Any offset of collateral source  
1180 payments made as of the date of the settlement or judgment shall  
1181 be in accordance with s. 768.76.

1182 Section 22. Paragraph (a) of subsection (4) of section  
1183 409.175, Florida Statutes, is amended to read:

1184 409.175 Licensure of family foster homes, residential  
1185 child-caring agencies, and child-placing agencies; public records  
1186 exemption.--

1187 (4)(a) A person, family foster home, or residential child-  
1188 caring agency may ~~shall~~ not provide ~~receive a child for~~  
1189 continuing full-time child care or custody unless such person,  
1190 home, or agency has first procured a license from the department  
1191 to provide such care. This requirement does not apply to a person  
1192 who is a relative of the child by blood, marriage, or adoption,  
1193 ~~or to a permanent legal guardian established under s. 39.6221, a~~  
1194 ~~person who has received the child from the department,~~ a licensed  
1195 child-placing agency, or an intermediary for the purposes of  
1196 adoption pursuant to chapter 63.

1197 Section 23. Subsection (3) of section 787.04, Florida  
1198 Statutes, is amended to read:

1199 787.04 Removing minors from state or concealing minors  
1200 contrary to state agency order or court order.--

1201 (3) It is unlawful for any person, ~~with criminal intent,~~ to  
1202 knowingly and willfully lead, take, entice, or remove a minor  
1203 beyond the limits of this state, or to knowingly and willfully



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1204 conceal the location of a minor, during the pendency of a  
1205 dependency proceeding affecting such minor or during the pendency  
1206 of any investigation, action, or proceeding concerning the  
1207 alleged abuse or neglect of such minor, after having received  
1208 actual or constructive notice of the pendency of such  
1209 investigation, action, or proceeding and without the permission  
1210 of the state agency or court in which the investigation, action,  
1211 or proceeding is pending.

1212 Section 24. Subsection (1) of section 937.021, Florida  
1213 Statutes, is amended to read:

1214 937.021 Missing child reports.--

1215 (1) Upon the filing of a police report that a child is  
1216 missing by the parent or guardian, the Department of Children and  
1217 Family Services, a community-based care provider, or a sheriff's  
1218 office providing investigative services for the department, the  
1219 law enforcement agency receiving the report shall immediately  
1220 inform all on-duty law enforcement officers of the ~~existence of~~  
1221 ~~the~~ missing child report, communicate the report to every other  
1222 law enforcement agency having jurisdiction in the county, and  
1223 transmit the report for inclusion within the Florida Crime  
1224 Information Center computer. A law enforcement agency may not  
1225 require a reporter to present an order that a child be taken into  
1226 custody or any other such order before accepting a report that a  
1227 child is missing.

1228 Section 25. Paragraph (c) of subsection (4) of section  
1229 985.04, Florida Statutes, is amended to read:

1230 985.04 Oaths; records; confidential information.--

1231 (4)

1232 (c) The department shall disclose to the school  
1233 superintendent the presence of any child in the care and custody



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1234 or under the jurisdiction or supervision of the department who  
1235 has a known history of criminal sexual behavior with other  
1236 juveniles; is an alleged juvenile sexual offender or a child who  
1237 has exhibited inappropriate sexual behavior, as defined in s.  
1238 39.01; or has pled guilty or nolo contendere to, or has been  
1239 found to have committed, a violation of chapter 794, chapter 796,  
1240 chapter 800, s. 827.071, or s. 847.0133, regardless of  
1241 adjudication. An ~~Any~~ employee of a district school board who  
1242 knowingly and willfully discloses such information to an  
1243 unauthorized person commits a misdemeanor of the second degree,  
1244 punishable as provided in s. 775.082 or s. 775.083.

1245 Section 26. Effective upon this act becoming a law and  
1246 operating retroactively to June 29, 2008, subsection (3) of  
1247 section 1 of chapter 2007-174, Laws of Florida, is amended to  
1248 read:

1249 (3) This section expires June 30, 2009 ~~2008~~.

1250 Section 27. Paragraph (b) of subsection (3) of section  
1251 39.0015, Florida Statutes, is amended to read:

1252 39.0015 Child abuse prevention training in the district  
1253 school system.--

1254 (3) DEFINITIONS.--As used in this section:

1255 (b) "Child abuse" means abandonment, abuse, harm, mental  
1256 injury, neglect, physical injury, or sexual abuse of a child as  
1257 those terms are defined in s. 39.01 ~~those acts as defined in ss.~~  
1258 ~~39.01(1), (2), (31), (41), (43), (55), and (66), 827.04, and~~  
1259 984.03 ~~984.03(1), (2), and (37)~~.

1260 Section 28. Subsection (5) of section 39.205, Florida  
1261 Statutes, is amended to read:

1262 39.205 Penalties relating to reporting of child abuse,  
1263 abandonment, or neglect.--



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1264 (5) If the department or its authorized agent has  
1265 determined after its investigation that a report is false, the  
1266 department shall, with the consent of the alleged perpetrator,  
1267 refer the report to the local law enforcement agency having  
1268 jurisdiction for an investigation to determine whether sufficient  
1269 evidence exists to refer the case for prosecution for filing a  
1270 false report as defined in s. 39.01 ~~s. 39.01(28)~~. During the  
1271 pendency of the investigation ~~by the local law enforcement~~  
1272 ~~agency~~, the department must notify the local law enforcement  
1273 agency of, and the local law enforcement agency must respond to,  
1274 all subsequent reports concerning children in that same family in  
1275 accordance with s. 39.301. If the law enforcement agency believes  
1276 that there are indicators of abuse, abandonment, or neglect, it  
1277 must immediately notify the department, which must ensure ~~assure~~  
1278 the safety of the children. If the law enforcement agency finds  
1279 sufficient evidence for prosecution for filing a false report, it  
1280 must refer the case to the appropriate state attorney for  
1281 prosecution.

1282 Section 29. Subsection (1) of section 39.302, Florida  
1283 Statutes, is amended to read:

1284 39.302 Protective investigations of institutional child  
1285 abuse, abandonment, or neglect.--

1286 (1) The department shall conduct a child protective  
1287 investigation of each report of institutional child abuse,  
1288 abandonment, or neglect. Upon receipt of a report that alleges  
1289 that an employee or agent of the department, or any other entity  
1290 or person covered by s. 39.01(33) or (47) ~~s. 39.01(32) or (46)~~,  
1291 acting in an official capacity, has committed an act of child  
1292 abuse, abandonment, or neglect, the department shall initiate a  
1293 child protective investigation within the timeframe established



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1294 ~~by the central abuse hotline~~ under s. 39.201(5) and orally notify  
1295 the appropriate state attorney, law enforcement agency, and  
1296 licensing agency, ~~which. These agencies~~ shall immediately conduct  
1297 a joint investigation, unless independent investigations are more  
1298 feasible. When conducting investigations onsite or having face-  
1299 to-face interviews with the child, ~~such~~ investigation visits  
1300 shall be unannounced unless it is determined by the department or  
1301 its agent that ~~the~~ unannounced visits ~~would~~ threaten the safety  
1302 of the child. ~~If~~ When a facility is exempt from licensing, the  
1303 department shall inform the owner or operator of the facility of  
1304 the report. Each agency conducting a joint investigation is  
1305 entitled to full access to the information gathered by the  
1306 department in the course of the investigation. A protective  
1307 investigation must include an onsite visit of the child's place  
1308 of residence. ~~In all cases,~~ The department shall make a full  
1309 written report to the state attorney within 3 working days after  
1310 making the oral report. A criminal investigation shall be  
1311 coordinated, whenever possible, with the child protective  
1312 investigation of the department. Any interested person who has  
1313 information regarding the offenses described in this subsection  
1314 may forward a statement to the state attorney as to whether  
1315 prosecution is warranted and appropriate. Within 15 days after  
1316 the completion of the investigation, the state attorney shall  
1317 report the findings to the department and shall include in the  
1318 report a determination of whether or not prosecution is justified  
1319 and appropriate in view of the circumstances of the specific  
1320 case.

1321 Section 30. Paragraphs (b) and (c) of subsection (2) of  
1322 section 39.6011, Florida Statutes, are amended to read:

1323 39.6011 Case plan development.--



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1324 (2) The case plan must be written simply and clearly in  
1325 English and, if English is not the principal language of the  
1326 child's parent, to the extent possible in the parent's principal  
1327 language. Each case plan must contain:

1328 (b) The permanency goal ~~as defined in s. 39.01(51)~~.

1329 (c) If concurrent planning is being used, a description of  
1330 the permanency goal of reunification with the parent or legal  
1331 custodian in addition to a description of one of the remaining  
1332 permanency goals described in s. 39.01 ~~s. 39.01(51)~~.

1333 Section 31. Paragraph (e) of subsection (6) of section  
1334 39.811, Florida Statutes, is amended to read:

1335 39.811 Powers of disposition; order of disposition.--

1336 (6) The parental rights of one parent may be severed  
1337 without severing the parental rights of the other parent only  
1338 under the following circumstances:

1339 (e) If the parent whose rights are being terminated meets  
1340 any of the criteria specified in s. 39.806(1)(d) and (f)-(1) ~~(f)-~~  
1341 ~~(i)~~.

1342 Section 32. Paragraph (a) of subsection (1) of section  
1343 39.828, Florida Statutes, is amended to read:

1344 39.828 Grounds for appointment of a guardian advocate.--

1345 (1) The court shall appoint the person named in the  
1346 petition as a guardian advocate with all the powers and duties  
1347 specified in s. 39.829 for an initial term of 1 year upon a  
1348 finding that:

1349 (a) The child named in the petition is or was a drug  
1350 dependent newborn as described in s. 39.01(32)(g) ~~s.~~  
1351 ~~39.01(31)(g)~~;

1352 Section 33. Paragraph (d) of subsection (1) of section  
1353 419.001, Florida Statutes, is amended to read:



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1354 419.001 Site selection of community residential homes.--

1355 (1) For the purposes of this section, the following  
1356 definitions shall apply:

1357 (d) "Resident" means any of the following: a frail elder as  
1358 defined in s. 429.65; a physically disabled or handicapped person  
1359 as defined in s. 760.22(7)(a); a developmentally disabled person  
1360 as defined in s. 393.063; a nondangerous mentally ill person as  
1361 defined in s. 394.455(18); or a child who is found to be  
1362 dependent as defined in s. 39.01 or s.984.03, or a child in need  
1363 of services as defined in s. 984.03 ~~s. 39.01(14), s. 984.03(9) or~~  
1364 ~~(12),~~ or s. 985.03.

1365 Section 34. Except as otherwise expressly provided in this  
1366 act and except for this section, which shall take effect upon  
1367 becoming a law, this act shall take effect July 1, 2008.

1368  
1369 ===== T I T L E A M E N D M E N T =====

1370 And the title is amended as follows:

1371 Delete everything before the enacting clause  
1372 and insert:

1373 A bill to be entitled  
1374 An act relating to child protection; amending s. 39.01,  
1375 F.S.; redefining the terms "abandoned" and "harm";  
1376 defining the term "child who has exhibited inappropriate  
1377 sexual behavior"; amending s. 39.0121, F.S.; authorizing  
1378 the Department of Children and Family Services to adopt  
1379 rules providing for locating and recovering missing  
1380 children who are involved with the department; providing  
1381 requirements for reports; amending s. 39.0138, F.S.;  
1382 requiring a criminal history check of persons being  
1383 considered for placement of a child to include a search of



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1384 the department's automated abuse information system;  
1385 authorizing the department to adopt rules establishing  
1386 standards for evaluating such information; creating s.  
1387 39.0141, F.S.; requiring the department, the community-  
1388 based care provider, or sheriff's office to file a report  
1389 following a determination that a child involved with the  
1390 department is missing; amending s. 39.201, F.S.; revising  
1391 provisions relating to reporting child abuse, abandonment,  
1392 or neglect to the central abuse hotline to allow for  
1393 reports by fax or e-mail; amending s. 39.301, F.S.;  
1394 conforming provisions to changes made by the act;  
1395 providing certain exceptions to the requirements that a  
1396 child protective investigation be closed within 60 days;  
1397 amending s. 39.307, F.S.; revising provision relating to  
1398 the provision of services to a child in cases of child-on-  
1399 child sexual abuse to include a child who has exhibited  
1400 inappropriate sexual behavior; amending s. 39.401, F.S.;  
1401 requiring a law enforcement officer who takes a child into  
1402 custody to release such child to an adoptive parent of the  
1403 child's sibling, if the sibling was previously adopted and  
1404 if it is in the best interest of the child; requiring  
1405 judicial approval for the placement of a child with a  
1406 nonrelative; amending s. 39.502, F.S.; providing for  
1407 notice to foster or preadoptive parents of any hearings  
1408 involving the child in their care; amending s. 39.503,  
1409 F.S.; revising the minimum inquiries a petitioner for  
1410 dependency or shelter must make in trying to locate an  
1411 identified parent or prospective parent; amending s.  
1412 39.504, F.S.; revising procedures related to injunctions  
1413 issued to protect a child; requiring that such injunctions



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1414 remain in effect until modified or dissolved by the court;  
1415 amending s. 39.507, F.S.; limiting a court to one order  
1416 adjudicating dependency; providing for supplemental  
1417 findings; amending s. 39.521, F.S.; providing an exception  
1418 from the requirement for a predisposition study in  
1419 dependency proceedings; conforming cross-references;  
1420 amending s. 39.621, F.S.; requiring that an adoptive  
1421 parent of a child's sibling be given the opportunity to  
1422 apply to adopt such child if the child is available for  
1423 adoption; requiring that such application be given the  
1424 same consideration as a relative's application for  
1425 adoption; amending s. 39.701, F.S.; requiring that notice  
1426 of a judicial review of a child's status be served on  
1427 certain persons regardless of whether they attended a  
1428 prior hearing at which the hearing was announced; amending  
1429 s. 39.8055, F.S.; revising provisions relating to filing a  
1430 petition to terminate parental rights; expanding the  
1431 grounds for terminating parental rights to include  
1432 conviction for the murder, manslaughter, or conspiracy to  
1433 murder another child of the parent; amending s. 39.806,  
1434 F.S.; adding additional grounds for terminating parental  
1435 rights; amending s. 39.810, F.S.; providing that if  
1436 termination of parental rights is in the best interests of  
1437 the child, it is also the least restrictive means of  
1438 protecting the child; amending s. 322.142, F.S.;  
1439 authorizing the Department of Children and Family Services  
1440 to be provided copies of driver's license files maintained  
1441 by the Department of Highway Safety and Motor Vehicles for  
1442 the purpose of conducting protective investigations;  
1443 amending s. 402.401, F.S., relating to the Florida Child



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1444 Welfare Student Loan Forgiveness Program; transferring  
1445 administration of the program to the Department of  
1446 Children and Family Services; amending s. 409.1671, F.S.;  
1447 providing that a *community-based provider* or a  
1448 subcontractor of a *community-based provider may provide*  
1449 *nonowned automobile liability coverage in lieu of*  
1450 *providing personal motor vehicle insurance; providing*  
1451 *terms, conditions, and applicability for nonowned*  
1452 *automobile insurance coverage; requiring a community-based*  
1453 *provider or a subcontractor of a community-based provider*  
1454 to provide a minimum limit for nonowned automobile  
1455 insurance coverage; amending s. 409.175, F.S.; revising  
1456 requirements for licensure as a foster home or child-  
1457 caring agency; deleting the exemption from licensure for  
1458 persons who receive a child from the department;  
1459 clarifying that a permanent guardian is exempt from  
1460 licensure; amending s. 787.04, F.S.; prohibiting a person  
1461 from knowingly and willfully taking or removing a minor  
1462 from the state or concealing the location of a minor  
1463 during the pendency of a dependency proceeding or any  
1464 other action concerning alleged abuse or neglect of the  
1465 minor; amending s. 937.021, F.S.; requiring that a report  
1466 of a missing child made by the department, a community-  
1467 based care provider, or a sheriff's office be treated as a  
1468 missing child report filed by a parent or guardian;  
1469 prohibiting a law enforcement agency from requiring an  
1470 order that a child be taken into custody or any other such  
1471 order before accepting a missing child report for  
1472 investigation; amending s. 985.04, F.S.; providing for the  
1473 disclosure of certain records relating to children having



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1474 | a history of inappropriate sexual behavior to schools  
1475 | superintendents; amending chapter 2007-174, Laws of  
1476 | Florida; extending the date for the repeal of provisions  
1477 | authorizing the reorganization of the Department of  
1478 | Children and Family Services; providing for retroactive  
1479 | application; amending ss. 39.0015, 39.205, 39.302,  
1480 | 39.6011, 39.811, 39.828, and 419.001, F.S.; conforming  
1481 | cross-references; providing effective dates.