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

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29 | child in cases of child-on-child sexual abuse to include a  
 30 | child who has exhibited inappropriate sexual behavior;  
 31 | revising terminology; amending s. 39.401, F.S.; requiring  
 32 | judicial review and approval for the placement of a child  
 33 | with a nonrelative; providing conditions for and  
 34 | limitations on nonrelative placements; amending s. 39.502,  
 35 | F.S.; requiring certain notice to foster and preadoptive  
 36 | parents of any hearings involving the child in their care;  
 37 | amending s. 39.503, F.S.; revising procedures relating to  
 38 | diligent searches for missing parents and relatives;  
 39 | amending s. 39.504, F.S.; revising procedures related to  
 40 | injunctions pending disposition of petition issued to  
 41 | protect a child; requiring that such injunctions remain in  
 42 | effect until modified or dissolved by the court; providing  
 43 | additional conditions for an injunction to protect a child  
 44 | from domestic violence; authorizing law enforcement  
 45 | officers to exercise certain arrest powers; amending s.  
 46 | 39.507, F.S.; limiting a court to one order adjudicating  
 47 | dependency; providing for supplemental findings;  
 48 | correcting a cross-reference; amending s. 39.521, F.S.;  
 49 | providing an exception from the requirement for a  
 50 | predisposition study in dependency proceedings; correcting  
 51 | cross-references; amending s. 39.701, F.S.; requiring that  
 52 | notice of a judicial review of a child's status be served  
 53 | on certain persons regardless of whether they attended a  
 54 | prior hearing at which the hearing was announced; amending  
 55 | s. 63.0541, F.S.; permitting certain information contained  
 56 | in the Florida Putative Father Registry to be disclosed to

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57 | the department; amending s. 322.142, F.S.; authorizing the  
 58 | department to be provided copies of driver's license files  
 59 | maintained by the Department of Highway Safety and Motor  
 60 | Vehicles for the purpose of conducting protective  
 61 | investigations and expediting the determination of  
 62 | eligibility for public assistance; amending s. 402.401;  
 63 | providing for administration of the Florida Child Welfare  
 64 | Student Loan Forgiveness Program by the Department of  
 65 | Children and Family Services rather than the Department of  
 66 | Education; authorizing loan reimbursement to certain  
 67 | eligible employees; revising loan eligibility  
 68 | requirements; amending s. 409.175, F.S.; revising  
 69 | requirements for licensure as a foster home or child-  
 70 | caring agency; deleting the exemption from licensure for  
 71 | persons who receive a child from the department;  
 72 | clarifying that a permanent guardian is exempt from  
 73 | licensure; amending s. 409.401, F.S.; revising provisions  
 74 | relating to the Interstate Compact on the Placement of  
 75 | Children; narrowing the applicability of the compact to  
 76 | children in the foster care system and to the interstate  
 77 | placement of children for adoption; providing definitions;  
 78 | allowing for residential facility placement with notice to  
 79 | the receiving state; allowing for the provisional  
 80 | placement of children with a relative pending meeting the  
 81 | receiving state's requirements for the education and  
 82 | training of prospective foster or adoptive parents;  
 83 | requiring the development of timeframes for completing the  
 84 | placement approval process; providing enforcement

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85 mechanisms; creating an Interstate Commission for the  
 86 Placement of Children comprised of the member states;  
 87 establishing rulemaking authority for the commission;  
 88 repealing s. 409.402, F.S., relating to fiscal  
 89 responsibility for a child placed pursuant to the  
 90 Interstate Compact on the Placement of Children; repealing  
 91 s. 409.403, F.S., relating to definitions relating to the  
 92 Interstate Compact on the Placement of Children; amending  
 93 s. 409.404, F.S.; deleting cross-references; amending s.  
 94 787.04, F.S.; prohibiting a person from knowingly and  
 95 willfully taking or removing a minor from the state or  
 96 concealing the location of a minor during the pendency of  
 97 a dependency proceeding or any other action concerning  
 98 alleged abuse or neglect of the minor; amending s.  
 99 937.021, F.S.; requiring that a report of a missing child  
 100 made by the department, a community-based care provider,  
 101 or a sheriff's office be treated as a missing child report  
 102 filed by a parent or guardian; prohibiting a law  
 103 enforcement agency from requiring an order that a child be  
 104 taken into custody or any other such order before  
 105 accepting a missing child report for investigation;  
 106 amending s. 985.04, F.S.; providing for the disclosure of  
 107 certain records relating to children having a history of  
 108 inappropriate sexual behavior to school superintendents;  
 109 amending ss. 393.0661, 393.071, 393.125, 39.0015, 39.205,  
 110 39.302, 39.6011, 39.828, and 419.001, F.S.; conforming  
 111 cross-references; amending s. 1, ch. 2007-174, Laws of  
 112 Florida; extending the date for the repeal of provisions

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113 | authorizing the reorganization of the Department of  
 114 | Children and Family Services; providing effective dates.  
 115 |

116 | Be It Enacted by the Legislature of the State of Florida:  
 117 |

118 | Section 1. Subsections (14) through (74) of section 39.01,  
 119 | Florida Statutes, are renumbered as subsections (15) through  
 120 | (75), respectively, and a new subsection (14) is added to that  
 121 | section to read:

122 | 39.01 Definitions.--When used in this chapter, unless the  
 123 | context otherwise requires:

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

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

130 | 39.0121 Specific rulemaking authority.--Pursuant to the  
 131 | requirements of s. 120.536, the department is specifically  
 132 | authorized to adopt, amend, and repeal administrative rules  
 133 | which implement or interpret law or policy, or describe the  
 134 | procedure and practice requirements necessary to implement this  
 135 | chapter, including, but not limited to, the following:

136 | (16) Provision for reporting, locating, recovering, and  
 137 | stabilizing a child whose whereabouts become unknown while the  
 138 | child is involved with the department and for preventing  
 139 | recurrences of such incidents. At a minimum, the rules must:

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

144 (b) Include criteria to determine when a child is missing  
 145 for purposes of making a report to a law enforcement agency and  
 146 require that in all cases in which a law enforcement agency has  
 147 accepted a case for criminal investigation pursuant to s.  
 148 39.301(2)(c) and the child's whereabouts are unknown, the child  
 149 shall be considered missing and a report shall be made.

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

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

156 39.0138 Criminal history records check; limit on placement  
 157 of a child.--

158 (1) The department shall conduct a criminal history  
 159 records check on ~~for~~ all persons being considered by the  
 160 department ~~for approval~~ for placement of a child subject to a  
 161 placement decision under this chapter, including all nonrelative  
 162 placement decisions, all members of the household of the person  
 163 being considered, and all frequent visitors to the household.

164 For purposes of this section, a criminal history records check  
 165 may include, but is not limited to, submission of fingerprints  
 166 to the Department of Law Enforcement for processing and  
 167 forwarding to the Federal Bureau of Investigation for state and

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168 national criminal history information, and local criminal  
 169 records checks through local law enforcement agencies. A  
 170 criminal history records check must also include a search of the  
 171 department's automated abuse information system. The department  
 172 shall establish by rule standards for evaluating any information  
 173 contained in the automated system relating to a person who must  
 174 be screened for purposes of making a placement decision.

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

177 39.0141 Missing children; report required.--Whenever the  
 178 whereabouts of a child involved with the department becomes  
 179 unknown, the department, the community-based care provider, or  
 180 the sheriff's office providing investigative services for the  
 181 department shall make reasonable efforts, as defined by rule, to  
 182 locate the child. If, pursuant to criteria established by rule,  
 183 the child is determined to be missing, the department, the  
 184 community-based care provider, or the sheriff's office shall  
 185 file a report that the child is missing in accordance with s.  
 186 937.021.

187 Section 5. Paragraphs (a), (f), (g), (h), and (i) of  
 188 subsection (2) and subsection (4) of section 39.201, Florida  
 189 Statutes, are amended to read:

190 39.201 Mandatory reports of child abuse, abandonment, or  
 191 neglect; mandatory reports of death; central abuse hotline.--

192 (2)

193 (a) Each report of known or suspected child abuse,  
 194 abandonment, or neglect by a parent, legal custodian, caregiver,  
 195 or other person responsible for the child's welfare as defined

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196 in this chapter, except those solely under s. 827.04(3), and  
 197 each report that a child is in need of supervision and care and  
 198 has no parent, legal custodian, or responsible adult relative  
 199 immediately known and available to provide supervision and care  
 200 shall be made immediately to the department's central abuse  
 201 hotline. Such reports may be made on the single statewide toll-  
 202 free telephone number, by fax, or on the department's Internet  
 203 website. Personnel at the department's central abuse hotline  
 204 shall determine if the report received meets the statutory  
 205 definition of child abuse, abandonment, or neglect. Any report  
 206 meeting one of these definitions shall be accepted for the  
 207 protective investigation pursuant to part III of this chapter.

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

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

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

222 3. If ~~When~~ the alleged ~~juvenile sexual~~ offender is 13  
 223 years of age or older, the central abuse hotline ~~department~~



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224 shall immediately electronically transfer the call to the  
 225 appropriate law enforcement agency ~~county sheriff's office by~~  
 226 ~~the central abuse hotline~~, and send a written report to the law  
 227 enforcement agency ~~appropriate county sheriff's office~~ within 48  
 228 hours after the initial report to the central abuse hotline.

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

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

246 2. If the telephone call, fax, or Internet report includes  
 247 ~~caller reports~~ indications of abuse or neglect beyond that  
 248 necessarily entailed in the infant having been left at a  
 249 hospital, emergency medical services station, or fire station,  
 250 the report shall be considered as a report of abuse, neglect, or  
 251 abandonment and shall be subject to the requirements of s.

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252 39.395 and all other relevant provisions of this chapter,  
 253 notwithstanding any provisions of chapter 383.

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

266 (i) The department shall voice-record all incoming or  
 267 outgoing calls that are received or placed by the central abuse  
 268 hotline which relate to suspected or known child abuse, neglect,  
 269 or abandonment. The department shall maintain an electronic copy  
 270 of each fax and Internet report. The recording or electronic  
 271 copy of each fax and Internet report shall become a part of the  
 272 record of the report but, notwithstanding s. 39.202, shall be  
 273 released in full only to law enforcement agencies and state  
 274 attorneys for the purpose of investigating and prosecuting  
 275 criminal charges pursuant to s. 39.205, or to employees of the  
 276 department for the purpose of investigating and seeking  
 277 administrative penalties pursuant to s. 39.206. Nothing in this  
 278 paragraph shall prohibit the use of the recordings or the

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279 electronic copy of the faxes or Internet reports by hotline  
 280 staff for quality assurance and training.

281 (4) The department shall establish and maintain a central  
 282 abuse hotline to receive all reports made pursuant to this  
 283 section in writing or through a single statewide toll-free  
 284 telephone number, by fax, or on the Internet website, which any  
 285 person may use to report known or suspected child abuse,  
 286 abandonment, or neglect at any hour of the day or night, any day  
 287 of the week. The central abuse hotline shall be operated in such  
 288 a manner as to enable the department to:

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

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

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

299 (d) Maintain and produce aggregate statistical reports  
 300 monitoring patterns of child abuse, child abandonment, and child  
 301 neglect. The department shall collect and analyze child-on-child  
 302 sexual abuse reports and include the information in aggregate  
 303 statistical reports.

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

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

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

313 39.301 Initiation of protective investigations.--

314 (1) Upon receiving a telephone call, fax, or Internet  
 315 report ~~an oral or written~~ report of known or suspected child  
 316 abuse, abandonment, or neglect, or that a child is in need of  
 317 supervision and care and has no parent, legal custodian, or  
 318 responsible adult relative immediately known and available to  
 319 provide supervision and care, the central abuse hotline shall  
 320 determine if the report requires an immediate onsite protective  
 321 investigation. For reports requiring an immediate onsite  
 322 protective investigation, the central abuse hotline shall  
 323 immediately notify the department's designated children and  
 324 families district staff responsible for protective  
 325 investigations to ensure that an onsite investigation is  
 326 promptly initiated. For reports not requiring an immediate  
 327 onsite protective investigation, the central abuse hotline shall  
 328 notify the department's designated ~~children and families~~  
 329 district staff responsible for protective investigations in  
 330 sufficient time to allow for an investigation. At the time of  
 331 notification of district staff with respect to the report, the  
 332 central abuse hotline shall also provide information on any  
 333 previous report concerning a subject of the present report or

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334 any pertinent information relative to the present report or any  
335 noted earlier reports.

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

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

346 (b) In child death cases, the final report of the medical  
347 examiner is necessary for the department to close its  
348 investigation and the report has not been received within the  
349 60-day period, in which case the report closure date shall be  
350 extended to accommodate the medical examiner's final report.

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

357 Section 7. Subsections (2), (3), (4), and (5) of section  
358 39.307, Florida Statutes, are amended to read:

359 39.307 Reports of child-on-child sexual abuse.--

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

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

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

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

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

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

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

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389 to the caregiver of the alleged offender, the victim, and the  
390 victim's caregiver.

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

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

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

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

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

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

414 3. Report closed. Services were offered to the alleged  
415 juvenile sexual offender or the child who has exhibited

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416 inappropriate sexual behavior, but were rejected by the  
 417 caregiver.

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

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

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

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

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

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

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

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



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443            ~~(4)-(5)~~ Services provided to the alleged juvenile sexual  
 444 offender or the child who has exhibited inappropriate sexual  
 445 behavior, the victim, and respective caregivers or family ~~under~~  
 446 ~~this section~~ shall be voluntary and of necessary duration.

447            ~~(5)-(4)~~ If ~~In the event~~ the family or caregiver of the  
 448 alleged juvenile sexual offender or the child who has exhibited  
 449 inappropriate sexual behavior fails to adequately participate or  
 450 allow for the adequate participation of the child ~~juvenile~~  
 451 ~~sexual offender~~ in the services or treatment delineated in the  
 452 case plan, the case manager may recommend that the department:

453            (a) Close the case;

454            (b) Refer the case to mediation or arbitration, if  
 455 available; or

456            (c) Notify the appropriate law enforcement agency of  
 457 failure to comply.

458            Section 8. Subsection (3) of section 39.401, Florida  
 459 Statutes, is amended, and subsection (5) is added to that  
 460 section, to read:

461            39.401 Taking a child alleged to be dependent into  
 462 custody; law enforcement officers and authorized agents of the  
 463 department.--

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

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

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

495            (5) Judicial review and approval is required within 24  
 496 hours after placement for all nonrelative placements. A  
 497 nonrelative placement shall be for a specific and predetermined

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498 period of time, not to exceed 12 months, and shall be reviewed  
 499 by the court at least every 6 months. If the nonrelative  
 500 placement continues for longer than 12 months, the department  
 501 shall request the court to establish permanent guardianship or  
 502 require that the nonrelative placement seek licensure as a  
 503 foster care provider within 30 days after the court decision.

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

506 39.502 Notice, process, and service.--

507 (1)(a) Unless parental rights have been terminated, all  
 508 parents must be notified of all proceedings or hearings  
 509 involving the child. Notice in cases involving shelter hearings  
 510 and hearings resulting from medical emergencies must be that  
 511 most likely to result in actual notice to the parents. In all  
 512 other dependency proceedings, notice must be provided in  
 513 accordance with subsections (4)-(9).

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

518 (17) The parent or legal custodian of the child, the  
 519 attorney for the department, the guardian ad litem, the foster  
 520 parent, the preadoptive parent, and all other parties and  
 521 participants shall be given reasonable notice of all hearings  
 522 provided for under this part.

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

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525 39.503 Identity or location of parent unknown; special  
526 procedures.--

527 (6) The diligent search required by subsection (5) must  
528 include, at a minimum, inquiries of all relatives of the parent  
529 or prospective parent made known to the petitioner, inquiries of  
530 all offices of program areas of the department likely to have  
531 information about the parent or prospective parent, inquiries of  
532 other state and federal agencies likely to have information  
533 about the parent or prospective parent, inquiries of appropriate  
534 utility and postal providers, a thorough search of at least one  
535 electronic database specifically designed for locating missing  
536 parents and relatives, a search of the putative father registry,  
537 and inquiries of appropriate law enforcement agencies. Pursuant  
538 to s. 453 of the Social Security Act, 42 U.S.C. s. 653(c)(4),  
539 the department, as the state agency administering Titles IV-B  
540 and IV-E of the act, along with any entity contracted by the  
541 department to perform diligent searches, shall be provided  
542 access to the federal and state parent locator service for  
543 diligent search activities. A search using an electronic  
544 database specifically designed for locating missing parents and  
545 relatives shall be accepted by the court as a sufficient  
546 diligent search provided the search tool encompasses all  
547 reasonably available public databases commonly used to locate  
548 missing persons.

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

551 39.504 Injunction pending disposition of petition;  
552 penalty.--

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

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

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

579           (3)(a) If ~~In every instance in which~~ an injunction is  
 580 issued under this section, the primary purpose of the injunction

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581 must be ~~shall be primarily~~ to protect and promote the best  
 582 interests of the child, taking the preservation of the child's  
 583 immediate family into consideration. ~~The effective period of the~~  
 584 ~~injunction shall be determined by the court, except that the~~  
 585 ~~injunction will expire at the time of the disposition of the~~  
 586 ~~petition for shelter placement or dependency.~~

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

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

595 2. Participate in a specialized treatment program.

596 3. Limit contact or communication with the child ~~victim~~,  
 597 other children in the home, or any other child.

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

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

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

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

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

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608 1. Awarding the exclusive use and possession of the  
 609 dwelling to the caregiver or excluding the alleged or actual  
 610 offender from the residence of the caregiver.

611 2. Awarding the temporary custody of the child to the  
 612 caregiver.

613 3. Establishing temporary support for the child.  
 614

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

617 (c) The terms of the injunction shall remain in effect  
 618 until modified or dissolved by the court. The petitioner,  
 619 respondent, or caregiver may move at any time to modify or  
 620 dissolve the injunction. The injunction is valid and enforceable  
 621 in all counties in the state. ~~At any time prior to the~~  
 622 ~~disposition of the petition, the alleged or actual offender may~~  
 623 ~~offer the court evidence of changed circumstances as a ground to~~  
 624 ~~dissolve or modify the injunction.~~

625 (4) A copy of any injunction issued pursuant to this  
 626 section shall be delivered to the ~~protected party, or a parent~~  
 627 ~~or caregiver or individual acting in the place of a parent who~~  
 628 ~~is not the respondent by, and to~~ any law enforcement agency  
 629 having jurisdiction to enforce the such injunction. Upon  
 630 delivery of the injunction to the appropriate law enforcement  
 631 agency, the agency shall have the duty and responsibility to  
 632 enforce the injunction, and law enforcement officers may use  
 633 their arrest powers pursuant to s. 901.15(6).

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

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636 | misdemeanor of the first degree, punishable as provided in s.  
637 | 775.082 or s. 775.083.

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

640 |       39.507 Adjudicatory hearings; orders of adjudication.--

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

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

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

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



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664 39.521 Disposition hearings; powers of disposition.--

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

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

688 (f) If the court places the child in an out-of-home  
 689 placement, the disposition order must include a written  
 690 determination that the child cannot safely remain at home with  
 691 reunification or family preservation services and that removal

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692 of the child is necessary to protect the child. If the child is  
 693 ~~has been~~ removed before the disposition hearing, the order must  
 694 also include a written determination as to whether, after  
 695 removal, the department ~~has~~ made a reasonable effort to reunify  
 696 the parent and child, ~~if reasonable efforts are required.~~  
 697 Reasonable efforts to reunify are not required if the court  
 698 finds ~~has found~~ that any of the acts listed in s. 39.806(1) (f) -  
 699 (1) ~~(f)~~ ~~(i)~~ have occurred. The department has the burden of  
 700 demonstrating that it ~~has~~ made reasonable efforts ~~under this~~  
 701 ~~paragraph.~~

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

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

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

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

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

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

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- 719           a. The first contact of the department with the family  
 720 occurs during an emergency;
- 721           b. The appraisal by the department of the home situation  
 722 indicates ~~that it presents~~ a substantial and immediate danger to  
 723 the child's safety or physical, mental, or emotional health  
 724 which cannot be mitigated by the provision of preventive  
 725 services;
- 726           c. The child cannot safely remain at home, ~~either~~ because  
 727 there are no preventive services that can ensure the health and  
 728 safety of the child or, even with appropriate and available  
 729 services being provided, the health and safety of the child  
 730 cannot be ensured; or
- 731           d. The parent is alleged to have committed any of the acts  
 732 listed as grounds for expedited termination of parental rights  
 733 under ~~in~~ s. 39.806(1) (f) - (l) ~~(f) - (i)~~.
- 734           4. A reasonable effort by the department for reunification  
 735 ~~of the parent and child~~ has been made if the appraisal of the  
 736 home situation by the department indicates that the severity of  
 737 the conditions of dependency is such that reunification efforts  
 738 are inappropriate. The department has the burden of  
 739 demonstrating to the court that reunification efforts were  
 740 inappropriate.
- 741           5. If the court finds that the prevention or reunification  
 742 effort of the department would not have permitted the child to  
 743 remain safely at home, the court may commit the child to the  
 744 temporary legal custody of the department or take any other  
 745 action authorized by this chapter.

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

748 39.701 Judicial review.--

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

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

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

760 (c) The parents.

761 (d) The guardian ad litem for the child, or the  
762 representative of the guardian ad litem program if the program  
763 has been appointed.

764 (e) The attorney for the child.

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

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

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

769  
770 ~~Service of notice is not required on any of the persons listed~~  
771 ~~in paragraphs (a) (f) if the person was present at the previous~~  
772 ~~hearing during which the date, time, and location of the hearing~~  
773 ~~was announced.~~

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

776 63.0541 Public records exemption for the Florida Putative  
777 Father Registry.--

778 (1) All information contained in the Florida Putative  
779 Father Registry and maintained by the Office of Vital Statistics  
780 within the Department of Health is confidential and exempt from  
781 public disclosure pursuant to s. 119.07(1) and s. 24(a), Art. I  
782 of the State Constitution, except as otherwise provided in this  
783 section. Information made confidential and exempt by this  
784 section shall be disclosed to:

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

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

790 322.142 Color photographic or digital imaged licenses.--

791 (4) The department may maintain a film negative or print  
792 file. The department shall maintain a record of the digital  
793 image and signature of the licensees, together with other data  
794 required by the department for identification and retrieval.  
795 Reproductions from the file or digital record are exempt from  
796 the provisions of s. 119.07(1) and shall be made and issued only  
797 for departmental administrative purposes; for the issuance of  
798 duplicate licenses; in response to law enforcement agency  
799 requests; to the Department of State pursuant to an interagency  
800 agreement to facilitate determinations of eligibility of voter  
801 registration applicants and registered voters in accordance with

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802 ss. 98.045 and 98.075; to the Department of Revenue pursuant to  
 803 an interagency agreement for use in establishing paternity and  
 804 establishing, modifying, or enforcing support obligations in  
 805 Title IV-D cases; to the Department of Children and Family  
 806 Services pursuant to an interagency agreement to conduct  
 807 protective investigations under part III of chapter 39 and s.  
 808 415.104 and for purposes of expediting the determination of  
 809 eligibility for public assistance; or to the Department of  
 810 Financial Services pursuant to an interagency agreement to  
 811 facilitate the location of owners of unclaimed property, the  
 812 validation of unclaimed property claims, and the identification  
 813 of fraudulent or false claims, ~~and are exempt from the~~  
 814 ~~provisions of s. 119.07(1).~~

815 Section 17. Section 402.401, Florida Statutes, is amended  
 816 to read:

817 402.401 Florida Child Welfare Student Loan Forgiveness  
 818 Program.--

819 ~~(1)~~ There is created the Florida Child Welfare Student  
 820 Loan Forgiveness Program to be administered by the Department of  
 821 Children and Family Services Education. The program shall  
 822 provide loan reimbursement assistance to eligible employees in  
 823 child welfare positions that are critical to the department's  
 824 mission, as determined by the department, and that are within  
 825 the department, sheriff's offices, or contracted community-based  
 826 care agencies ~~students for upper division undergraduate and~~  
 827 ~~graduate study. The primary purpose of the program is to attract~~  
 828 ~~capable and promising students to the child welfare profession,~~  
 829 ~~increase employment and retention of individuals who are working~~

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830 ~~towards or who have received either a bachelor's degree or a~~  
 831 ~~master's degree in social work, or any human services subject~~  
 832 ~~area that qualifies the individual for employment as a family~~  
 833 ~~services worker, and provide opportunities for persons making~~  
 834 ~~midcareer decisions to enter the child welfare profession. The~~  
 835 ~~State Board of Education shall adopt rules necessary to~~  
 836 ~~administer the program.~~

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

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

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

850 ~~3. If applying for an undergraduate forgivable loan, have~~  
 851 ~~maintained a minimum cumulative grade point average of at least~~  
 852 ~~a 2.5 on a 4.0 scale for all undergraduate work. Renewal~~  
 853 ~~applicants for undergraduate loans shall have maintained a~~  
 854 ~~minimum cumulative grade point average of at least a 2.5 on a~~  
 855 ~~4.0 scale for all undergraduate work and have earned at least 12~~  
 856 ~~semester credits per term, or the equivalent.~~

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

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

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

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

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

877 ~~(d) The State Board of Education shall adopt by rule~~  
 878 ~~repayment schedules and applicable interest rates under ss.~~  
 879 ~~1009.82 and 1009.95. A forgivable loan must be repaid within 10~~  
 880 ~~years after completion of a program of studies.~~

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



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885           ~~2. Any forgivable loan recipient who fails to work at the~~  
 886 ~~Department of Children and Family Services or its successor, or~~  
 887 ~~with an eligible lead community-based provider as defined in s.~~  
 888 ~~409.1671, is responsible for repaying the loan plus accrued~~  
 889 ~~interest at 8 percent annually.~~

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

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

899           Section 18. Paragraph (a) of subsection (4) of section  
 900 409.175, Florida Statutes, is amended to read:

901           409.175 Licensure of family foster homes, residential  
 902 child-caring agencies, and child-placing agencies; public  
 903 records exemption.--

904           (4) (a) A person, family foster home, or residential child-  
 905 caring agency may ~~shall not provide~~ receive a child for  
 906 continuing full-time child care or custody unless such person,  
 907 home, or agency has first procured a license from the department  
 908 to provide such care. This requirement does not apply to a  
 909 person who is a relative of the child by blood, marriage, or  
 910 adoption, or to a permanent legal guardian established under s.  
 911 39.6221, ~~a person who has received the child from the~~

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912 ~~department,~~ a licensed child-placing agency, or an intermediary  
 913 for the purposes of adoption pursuant to chapter 63.

914 Section 19. Section 409.401, Florida Statutes, is amended  
 915 to read:

916 (Substantial rewording of section. See  
 917 s. 409.401, F.S., for present text.)

918 409.401 Interstate Compact on the Placement of  
 919 Children.--The Interstate Compact on the Placement of Children  
 920 is hereby enacted into law and entered into with all other  
 921 jurisdictions legally joining therein in form substantially as  
 922 follows:

924 ARTICLE I. PURPOSE

926 The purpose of this Interstate Compact on the Placement of  
 927 Children is to:

928 A. Provide a process through which children subject to  
 929 this compact are placed in safe and suitable homes in a timely  
 930 manner.

931 B. Facilitate ongoing supervision of a placement, the  
 932 delivery of services, and communication between the states.

933 C. Provide operating procedures that will ensure that  
 934 children are placed in safe and suitable homes in a timely  
 935 manner.

936 D. Provide for the promulgation and enforcement of  
 937 administrative rules implementing the provisions of this compact  
 938 and regulating the covered activities of the member states.

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939 E. Provide for uniform data collection and information  
 940 sharing between member states under this compact.

941 F. Promote coordination between this compact, the  
 942 Interstate Compact for Juveniles, the Interstate Compact on  
 943 Adoption and Medical Assistance and other compacts affecting the  
 944 placement of and which provide services to children otherwise  
 945 subject to this compact.

946 G. Provide for a state's continuing legal jurisdiction and  
 947 responsibility for placement and care of a child that it would  
 948 have had if the placement were intrastate.

949 H. Provide for the promulgation of guidelines, in  
 950 collaboration with Indian tribes, for interstate cases involving  
 951 Indian children as is or may be permitted by federal law.

952  
 953 ARTICLE II. DEFINITIONS

954  
 955 As used in this compact,

956 A. "Approved placement" means the public child-placing  
 957 agency in the receiving state has determined that the placement  
 958 is both safe and suitable for the child.

959 B. "Assessment" means an evaluation of a prospective  
 960 placement by a public child-placing agency in the receiving  
 961 state to determine whether the placement meets the  
 962 individualized needs of the child, including, but not limited  
 963 to, the child's safety and stability, health and well-being, and  
 964 mental, emotional, and physical development. An assessment is  
 965 only applicable to a placement by a public child-placing agency.

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966 C. "Child" means an individual who has not attained the  
 967 age of 18.

968 D. "Certification" means to attest to, declare, or swear  
 969 to before a judge or notary public.

970 E. "Default" means the failure of a member state to  
 971 perform the obligations or responsibilities imposed by this  
 972 compact and the bylaws and rules adopted by the Interstate  
 973 Commission.

974 F. "Home study" means an evaluation of a home environment  
 975 conducted in accordance with the applicable requirements of the  
 976 state in which the home is located that documents the  
 977 preparation for and the suitability of the home environment for  
 978 placement of a child in accordance with the laws and  
 979 requirements of the state in which the home is located.

980 G. "Indian tribe" means any Indian tribe, band, nation, or  
 981 other organized group or community of Indians recognized as  
 982 eligible for services provided to Indians by the Secretary of  
 983 the Interior because of their status as Indians, including any  
 984 Alaskan native village as defined in the Alaska Native Claims  
 985 Settlement Act, 43 U.S.C. s. 1602 s. 3(c).

986 H. "Interstate Commission for the Placement of Children"  
 987 means the commission created under Article VIII of this compact  
 988 and which is generally referred to as the "Interstate  
 989 Commission."

990 I. "Jurisdiction" means the power and authority of a court  
 991 to hear and decide matters.

992 J. "Legal risk placement" or "legal risk adoption" means a  
 993 placement made preliminary to an adoption when the prospective

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994 adoptive parents acknowledge in writing that a child may be  
 995 ordered returned to the sending state or the birth mother's  
 996 state of residence, if different from the sending state, and a  
 997 final decree of adoption may not be entered in any jurisdiction  
 998 until all required consents are obtained or are dispensed with  
 999 in accordance with applicable law.

1000 K. "Member state" means a state that has enacted this  
 1001 compact.

1002 L. "Noncustodial parent" means a person who, at the time  
 1003 of the commencement of court proceedings in the sending state,  
 1004 does not have sole legal custody of the child or has joint legal  
 1005 custody of a child and who is not the subject of allegations or  
 1006 findings of child abuse or neglect.

1007 M. "Nonmember state" means a state that has not enacted  
 1008 this compact.

1009 N. "Notice of residential placement" means information  
 1010 regarding a placement into a residential facility provided to  
 1011 the receiving state including, but not limited to, the name,  
 1012 date, and place of birth of the child, the identity and address  
 1013 of the parent or legal guardian, evidence of authority to make  
 1014 the placement, and the name and address of the facility in which  
 1015 the child will be placed. Notice of residential placement shall  
 1016 also include information regarding a discharge and any  
 1017 unauthorized absence from the facility.

1018 O. "Placement" means the act by a public or private child-  
 1019 placing agency intended to arrange for the care or custody of a  
 1020 child in another state.

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1021 P. "Private child-placing agency" means any private  
 1022 corporation, agency, foundation, institution, or charitable  
 1023 organization or any private person or attorney that facilitates,  
 1024 causes, or is involved in the placement of a child from one  
 1025 state to another and that is not an instrumentality of the state  
 1026 or acting under color of state law.

1027 Q. "Provisional placement" means a determination made by  
 1028 the public child-placing agency in the receiving state that the  
 1029 proposed placement is safe and suitable and, to the extent  
 1030 allowable, the receiving state has temporarily waived its  
 1031 standards or requirements otherwise applicable to prospective  
 1032 foster or adoptive parents so as to not delay the placement.  
 1033 Completion of the receiving state requirements regarding  
 1034 training for prospective foster or adoptive parents shall not  
 1035 delay an otherwise safe and suitable placement.

1036 R. "Public child-placing agency" means any government  
 1037 child welfare agency or child protection agency or a private  
 1038 entity under contract with such an agency, regardless of whether  
 1039 the agency or entity acts on behalf of a state, county,  
 1040 municipality, or other governmental unit and which facilitates,  
 1041 causes, or is involved in the placement of a child from one  
 1042 state to another state.

1043 S. "Receiving state" means the state to which a child is  
 1044 sent, brought, or caused to be sent or brought.

1045 T. "Relative" means someone who is related to the child as  
 1046 a parent, stepparent, sibling by consanguinity or by adoption,  
 1047 grandparent, aunt, uncle, or first cousin or a nonrelative with  
 1048 such significant ties to the child that he or she may be

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1049 regarded as a relative as determined by the court in the sending  
 1050 state.

1051 U. "Residential facility" means a facility providing a  
 1052 level of care that is sufficient to substitute for parental  
 1053 responsibility or foster care and is beyond what is needed for  
 1054 assessment or treatment of an acute condition. For purposes of  
 1055 the compact, the term "residential facility" does not include an  
 1056 institution that is primarily educational in character or a  
 1057 hospital or other medical facility.

1058 V. "Rule" means a written directive, mandate, standard, or  
 1059 principle issued by the Interstate Commission promulgated  
 1060 pursuant to Article XI of this compact that is of general  
 1061 applicability and that implements, interprets, or prescribes a  
 1062 policy or provision of the compact. A rule has the force and  
 1063 effect of an administrative rule in a member state and includes  
 1064 the amendment, repeal, or suspension of an existing rule.

1065 W. "Sending state" means the state from which the  
 1066 placement of a child is initiated.

1067 X. "Service member's permanent duty station" means the  
 1068 military installation where an active duty Armed Services member  
 1069 is currently assigned and is physically located under competent  
 1070 orders that do not specify the duty as temporary.

1071 Y. "Service member's state of legal residence" means the  
 1072 state in which the active duty Armed Services member is  
 1073 considered a resident for tax and voting purposes.

1074 Z. "State" means a state of the United States, the  
 1075 District of Columbia, the Commonwealth of Puerto Rico, the  
 1076 United States Virgin Islands, Guam, American Samoa, the Northern

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1077 Marianas Islands, and any other territory subject to the  
 1078 jurisdiction of the United States.

1079 AA. "State court" means a judicial body of a state that is  
 1080 vested by law with responsibility for adjudicating cases  
 1081 involving abuse, neglect, deprivation, delinquency, or status  
 1082 offenses of an individual who has not attained the age of 18.

1083 BB. "Supervision" means monitoring provided by the  
 1084 receiving state once a child has been placed in a receiving  
 1085 state pursuant to this compact.

1086  
 1087 ARTICLE III. APPLICABILITY

1088  
 1089 A. Except as otherwise provided in Section B, this compact  
 1090 shall apply to:

1091 1. The interstate placement of a child subject to ongoing  
 1092 court jurisdiction in the sending state due to allegations or  
 1093 findings that the child has been abused, neglected, or deprived  
 1094 as defined by the laws of the sending state, provided that the  
 1095 placement of such a child into a residential facility shall only  
 1096 require notice of residential placement to the receiving state  
 1097 prior to placement.

1098 2. The interstate placement of a child adjudicated  
 1099 delinquent or unmanageable based on the laws of the sending  
 1100 state and subject to ongoing court jurisdiction of the sending  
 1101 state if:

1102 a. The child is being placed in a residential facility in  
 1103 another member state and is not covered under another compact;  
 1104 or



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1105 b. The child is being placed in another member state and  
 1106 the determination of safety and suitability of the placement and  
 1107 services required is not provided through another compact.

1108 3. The interstate placement of any child by a public  
 1109 child-placing agency or private child-placing agency as defined  
 1110 in this compact as a preliminary step to a possible adoption.

1111 B. The provisions of this compact shall not apply to:

1112 1. The interstate placement of a child in a custody  
 1113 proceeding in which a public child-placing agency is not a  
 1114 party, provided that the placement is not intended to effectuate  
 1115 an adoption.

1116 2. The interstate placement of a child with a nonrelative  
 1117 in a receiving state by a parent with the legal authority to  
 1118 make such a placement, provided that the placement is not  
 1119 intended to effectuate an adoption.

1120 3. The interstate placement of a child by one relative  
 1121 with the lawful authority to make such a placement directly with  
 1122 a relative in a receiving state.

1123 4. The placement of a child who is not subject to Section  
 1124 A into a residential facility by the child's parent.

1125 5. The placement of a child with a noncustodial parent,  
 1126 provided that:

1127 a. The noncustodial parent proves to the satisfaction of a  
 1128 court in the sending state a substantial relationship with the  
 1129 child;

1130 b. The court in the sending state makes a written finding  
 1131 that placement with the noncustodial parent is in the best  
 1132 interests of the child; and

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1133 c. The court in the sending state dismisses its  
 1134 jurisdiction over the child's case.

1135 6. A child entering the United States from a foreign  
 1136 country for the purpose of adoption or leaving the United States  
 1137 to go to a foreign country for the purpose of adoption in that  
 1138 country.

1139 7. A case in which a child who is a United States citizen  
 1140 living overseas with his or her family, at least one of whom is  
 1141 in the United States Armed Services and stationed overseas, is  
 1142 removed and placed in a state.

1143 8. The sending of a child by a public child-placing agency  
 1144 or a private child-placing agency for a visit as defined by the  
 1145 rules of the Interstate Commission.

1146 C. For purposes of determining the applicability of this  
 1147 compact to the placement of a child with a family in the Armed  
 1148 Services, the public child-placing agency or private child-  
 1149 placing agency may choose the state of the service member's  
 1150 permanent duty station or the service member's declared legal  
 1151 residence.

1152 D. Nothing in this compact shall be construed to prohibit  
 1153 the concurrent application of the provisions of this compact  
 1154 with other applicable interstate compacts, including the  
 1155 Interstate Compact for Juveniles and the Interstate Compact on  
 1156 Adoption and Medical Assistance. The Interstate Commission may,  
 1157 in cooperation with other interstate compact commissions having  
 1158 responsibility for the interstate movement, placement, or  
 1159 transfer of children, promulgate like rules to ensure the  
 1160 coordination of services, timely placement of children, and the

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1161 reduction of unnecessary or duplicative administrative or  
 1162 procedural requirements.

1163

1164 ARTICLE IV. JURISDICTION

1165

1166 A. Except as provided in Section G and Article V, Section  
 1167 B, paragraphs 2. and 3., concerning private and independent  
 1168 adoptions, and in interstate placements in which the public  
 1169 child-placing agency is not a party to a custody proceeding, the  
 1170 sending state shall retain jurisdiction over a child with  
 1171 respect to all matters of custody and disposition of the child  
 1172 which it would have had if the child had remained in the sending  
 1173 state. Such jurisdiction shall also include the power to order  
 1174 the return of the child to the sending state.

1175 B. When an issue of child protection or custody is brought  
 1176 before a court in the receiving state, such court shall confer  
 1177 with the court of the sending state to determine the most  
 1178 appropriate forum for adjudication.

1179 C. In accordance with its own laws, the court in the  
 1180 sending state shall have authority to terminate its jurisdiction  
 1181 if:

1182 1. The child is reunified with the parent in the receiving  
 1183 state who is the subject of allegations or findings of abuse or  
 1184 neglect, only with the concurrence of the public child-placing  
 1185 agency in the receiving state;

1186 2. The child is adopted;

1187 3. The child reaches the age of majority under the laws of  
 1188 the sending state;

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1189 4. The child achieves legal independence pursuant to the  
 1190 laws of the sending state;

1191 5. A guardianship is created by a court in the receiving  
 1192 state with the concurrence of the court in the sending state;

1193 6. An Indian tribe has petitioned for and received  
 1194 jurisdiction from the court in the sending state; or

1195 7. The public child-placing agency of the sending state  
 1196 requests termination and has obtained the concurrence of the  
 1197 public child-placing agency in the receiving state.

1198 D. When a sending state court terminates its jurisdiction,  
 1199 the receiving state child-placing agency shall be notified.

1200 E. Nothing in this article shall defeat a claim of  
 1201 jurisdiction by a receiving state court sufficient to deal with  
 1202 an act of truancy, delinquency, crime, or behavior involving a  
 1203 child as defined by the laws of the receiving state committed by  
 1204 the child in the receiving state which would be a violation of  
 1205 its laws.

1206 F. Nothing in this article shall limit the receiving  
 1207 state's ability to take emergency jurisdiction for the  
 1208 protection of the child.

1209 G. The substantive laws of the state in which an adoption  
 1210 will be finalized shall solely govern all issues relating to the  
 1211 adoption of the child and the court in which the adoption  
 1212 proceeding is filed shall have subject matter jurisdiction  
 1213 regarding all substantive issues relating to the adoption,  
 1214 except when:

1215 1. The child is a ward of another court that established  
 1216 jurisdiction over the child prior to the placement;

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1217           2. The child is in the legal custody of a public agency in  
 1218 the sending state; or

1219           3. A court in the sending state has otherwise  
 1220 appropriately assumed jurisdiction over the child prior to the  
 1221 submission of the request for approval of placement.

1222           H. A final decree of adoption shall not be entered in any  
 1223 jurisdiction until the placement is authorized as an approved  
 1224 placement by the public child-placing agency in the receiving  
 1225 state.

1226  
 1227                           ARTICLE V. PLACEMENT EVALUATION  
 1228

1229           A. Prior to sending, bringing, or causing a child to be  
 1230 sent or brought into a receiving state, the public child-placing  
 1231 agency shall provide a written request for assessment to the  
 1232 receiving state.

1233           B. For placements by a private child-placing agency, a  
 1234 child may be sent or brought, or caused to be sent or brought,  
 1235 into a receiving state upon receipt and immediate review of the  
 1236 required content in a request for approval of a placement in the  
 1237 public child-placing agency in both the sending state and the  
 1238 receiving state. The required content to accompany a request for  
 1239 provisional approval shall include all of following:

1240           1. A request for approval identifying the child, birth  
 1241 parents, prospective adoptive parents, and supervising agency,  
 1242 signed by the person requesting approval;

1243           2. The appropriate consents or relinquishments signed by  
 1244 the birth-parents in accordance with the laws of the sending

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1245 state, or where permitted the laws of the state where the  
 1246 adoption will be finalized;  
 1247 3. Certification by a licensed attorney or authorized  
 1248 agent of a private adoption agency that the consent or  
 1249 relinquishment is in compliance with the applicable laws of the  
 1250 sending state or, where permitted, the laws of the state where  
 1251 finalization of the adoption will occur;  
 1252 4. A home study; and  
 1253 5. An acknowledgment of legal risk signed by the  
 1254 prospective adoptive parents.  
 1255 C. The sending state and the receiving state may request  
 1256 additional information or documents prior to finalization of an  
 1257 approved placement, but a state may not delay travel by the  
 1258 prospective adoptive parents with the child if the required  
 1259 content for approval has been submitted, received, and reviewed  
 1260 by the public child-placing agency in both the sending state and  
 1261 the receiving state.  
 1262 D. Approval from the public child-placing agency in the  
 1263 receiving state for a provisional or approved placement is  
 1264 required as provided for in the rules of the Interstate  
 1265 Commission.  
 1266 E. The procedures for making the request for an assessment  
 1267 shall contain all information and be in such form as provided  
 1268 for in the rules of the Interstate Commission.  
 1269 F. Upon receipt of a request from the public child-placing  
 1270 agency of the sending state, the receiving state shall initiate  
 1271 an assessment of the proposed placement to determine its safety  
 1272 and suitability. If the proposed placement is a placement with a

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1273 relative, the public child-placing agency of the sending state  
 1274 may request a determination for a provisional placement.

1275 G. The public child-placing agency in the receiving state  
 1276 may request from the public child-placing agency or the private  
 1277 child-placing agency in the sending state, and shall be entitled  
 1278 to receive supporting or additional information necessary to  
 1279 complete the assessment or approve the placement.

1280 H. The public child-placing agency in the receiving state  
 1281 shall approve a provisional placement and complete or arrange  
 1282 for the completion of the assessment within the timeframes  
 1283 established by the rules of the Interstate Commission.

1284 I. For a placement by a private child-placing agency, the  
 1285 sending state may not impose any additional requirements to  
 1286 complete the home study that are not required by the receiving  
 1287 state, unless the adoption is finalized in the sending state.

1288 J. The Interstate Commission may develop uniform standards  
 1289 for the assessment of the safety and suitability of interstate  
 1290 placements.

1291  
 1292 ARTICLE VI. PLACEMENT AUTHORITY  
 1293

1294 A. Except as otherwise provided in this compact, a child  
 1295 subject to this compact may not be placed into a receiving state  
 1296 until approval for such placement is obtained.

1297 B. If the public child-placing agency in the receiving  
 1298 state does not approve the proposed placement, the child shall  
 1299 not be placed. The receiving state shall provide written  
 1300 documentation of any such determination in accordance with the

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1301 rules of the Interstate Commission. Such determination is not  
 1302 subject to judicial review in the sending state.

1303 C. If the proposed placement is not approved, any  
 1304 interested party shall have standing to seek an administrative  
 1305 review of the receiving state's determination.

1306 1. The administrative review and any further judicial  
 1307 review associated with the determination shall be conducted in  
 1308 the receiving state pursuant to its applicable administrative  
 1309 procedures.

1310 2. If a determination not to approve the placement of the  
 1311 child in the receiving state is overturned upon review, the  
 1312 placement shall be deemed approved, provided that all  
 1313 administrative or judicial remedies have been exhausted or the  
 1314 time for such remedies has passed.

1315

1316 ARTICLE VII. PLACING AGENCY RESPONSIBILITY

1317

1318 A. For the interstate placement of a child made by a  
 1319 public child-placing agency or a state court:

1320 1. The public child-placing agency in the sending state  
 1321 shall have financial responsibility for:

1322 a. The ongoing support and maintenance of the child during  
 1323 the period of the placement, unless otherwise provided for in  
 1324 the receiving state.

1325 b. As determined by the public child-placing agency in the  
 1326 sending state, services for the child beyond the public services  
 1327 for which the child is eligible in the receiving state.



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1328           2. The receiving state shall only have financial  
 1329 responsibility for:  
 1330           a. Any assessment conducted by the receiving state.  
 1331           b. Supervision conducted by the receiving state at the  
 1332 level necessary to support the placement as agreed upon by the  
 1333 public child-placing agencies of the receiving and sending  
 1334 state.  
 1335           3. Nothing in this article shall prohibit public child-  
 1336 placing agencies in the sending state from entering into  
 1337 agreements with licensed agencies or persons in the receiving  
 1338 state to conduct assessments and provide supervision.  
 1339           B. For the placement of a child by a private child-placing  
 1340 agency preliminary to a possible adoption, the private child-  
 1341 placing agency shall be:  
 1342           1. Legally responsible for the child during the period of  
 1343 placement as provided in the laws of the sending state until the  
 1344 finalization of the adoption.  
 1345           2. Financially responsible for the child absent a  
 1346 contractual agreement to the contrary.  
 1347           C. The public child-placing agency in the receiving state  
 1348 shall provide timely assessments, as provided for in the rules  
 1349 of the Interstate Commission.  
 1350           D. The public child-placing agency in the receiving state  
 1351 shall provide, or arrange for the provision of, supervision and  
 1352 services for the child, including timely reports, during the  
 1353 period of the placement.  
 1354           E. Nothing in this compact shall be construed as to limit  
 1355 the authority of the public child-placing agency in the

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1356 receiving state from contracting with a licensed agency or  
 1357 person in the receiving state for an assessment or the provision  
 1358 of supervision or services for the child or otherwise  
 1359 authorizing the provision of supervision or services by a  
 1360 licensed agency during the period of placement.

1361 F. Each member state shall provide for coordination among  
 1362 its branches of government concerning the state's participation  
 1363 in and compliance with the compact and Interstate Commission  
 1364 activities through the creation of an advisory council or use of  
 1365 an existing body or board.

1366 G. Each member state shall establish a central state  
 1367 compact office, which shall be responsible for state compliance  
 1368 with the compact and the rules of the Interstate Commission.

1369 H. The public child-placing agency in the sending state  
 1370 shall oversee compliance with the provisions of the Indian Child  
 1371 Welfare Act, 25 U.S.C. ss. 1901 et seq., for placements subject  
 1372 to the provisions of this compact prior to placement.

1373 I. With the consent of the Interstate Commission, states  
 1374 may enter into limited agreements that facilitate the timely  
 1375 assessment and provision of services and supervision of  
 1376 placements under this compact.

1377  
 1378 ARTICLE VIII. INTERSTATE

1379 COMMISSION FOR THE PLACEMENT OF CHILDREN

1380  
 1381 The member states hereby establish, by way of this  
 1382 compact, a commission known as the "Interstate Commission for  
 1383 the Placement of Children." The activities of the Interstate

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1384 Commission are the formation of public policy and are a  
 1385 discretionary state function. The Interstate Commission shall:

1386 A. Be a joint commission of the member states and shall  
 1387 have the responsibilities, powers, and duties set forth in  
 1388 this compact and such additional powers as may be conferred  
 1389 upon it by subsequent concurrent action of the respective  
 1390 legislatures of the member states.

1391 B. Consist of one commissioner from each member state  
 1392 who shall be appointed by the executive head of the state  
 1393 human services administration with ultimate responsibility for  
 1394 the child welfare program. The appointed commissioner shall  
 1395 have the legal authority to vote on policy-related matters  
 1396 governed by this compact that bind the state.

1397 1. Each member state represented at a meeting of the  
 1398 Interstate Commission is entitled to one vote.

1399 2. A majority of the member states shall constitute a  
 1400 quorum for the transaction of business, unless a larger quorum  
 1401 is required by the bylaws of the Interstate Commission.

1402 3. A representative shall not delegate a vote to another  
 1403 member state.

1404 4. A representative may delegate voting authority to  
 1405 another person from the representative's state for a specified  
 1406 meeting.

1407 C. In addition to the commissioners of each member  
 1408 state, the Interstate Commission shall include persons who are  
 1409 members of interested organizations as defined in the bylaws  
 1410 or rules of the Interstate Commission. Such members shall be

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1411 ex officio and shall not be entitled to vote on any matter  
 1412 before the Interstate Commission.

1413 D. Establish an executive committee that shall have the  
 1414 authority to administer the day-to-day operations of the  
 1415 Interstate Commission. It does not have the power to engage in  
 1416 rulemaking.

1417  
 1418 ARTICLE IX. POWERS AND DUTIES  
 1419 OF THE INTERSTATE COMMISSION

1420  
 1421 The Interstate Commission shall have the following  
 1422 powers:

1423 A. To promulgate rules and take all necessary actions to  
 1424 effect the goals, purposes, and obligations as enumerated in  
 1425 this compact.

1426 B. To provide for dispute resolution among member  
 1427 states.

1428 C. To issue, upon request by a member state, advisory  
 1429 opinions concerning the meaning or interpretation of the  
 1430 compact, its bylaws, rules, or actions.

1431 D. To enforce compliance with the compact or the bylaws  
 1432 or rules of the Interstate Commission pursuant to Article XII.

1433 E. Collect standardized data concerning the interstate  
 1434 placement of children subject to this compact as directed  
 1435 through its rules which shall specify the data to be  
 1436 collected, the means of collection and data exchange, and  
 1437 reporting requirements.

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1438 F. To establish and maintain offices as may be necessary  
 1439 for the transactIOn of its business.

1440 G. To purchase and maintain insurance and bonds.

1441 H. To hire or contract for services of personnel or  
 1442 consultants as necessary to carry out its functions under the  
 1443 compact and establish personnel qualification policies and  
 1444 rates of compensation.

1445 I. To establish and appoint committees and officers,  
 1446 including, but not limited to, an executive committee as  
 1447 required by Article X.

1448 J. To accept any and all donations and grants of money,  
 1449 equipment, supplies, materials, and services and to receive,  
 1450 use, and dispose thereof.

1451 K. To lease, purchase, accept contributions or donations  
 1452 of, or to otherwise own, hold, improve, or use any property,  
 1453 real, personal, or mixed.

1454 L. To sell, convey, mortgage, pledge, lease, exchange,  
 1455 abandon, or otherwise dispose of any property, real, personal  
 1456 or mixed.

1457 M. To establish a budget and make expenditures.

1458 N. To adopt a seal and bylaws governing the management  
 1459 and operation of the Interstate Commission.

1460 O. To report annually to the legislatures, governors,  
 1461 the judiciary, and state advisory councils of the member  
 1462 states concerning the activities of the Interstate Commission  
 1463 during the preceding year. Such reports shall also include any  
 1464 recommendations that may have been adopted by the Interstate  
 1465 Commission.

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1466 P. To coordinate and provide education, training, and  
 1467 public awareness regarding the interstate movement of children  
 1468 for officials involved in such activity.

1469 Q. To maintain books and records in accordance with the  
 1470 bylaws of the Interstate Commission.

1471 R. To perform such functions as may be necessary or  
 1472 appropriate to achieve the purposes of this compact.

1473

1474 ARTICLE X. ORGANIZATION AND OPERATION  
 1475 OF THE INTERSTATE COMMISSION

1476

1477 A. Bylaws.

1478 1. Within 12 months after the first Interstate  
 1479 Commission meeting, the Interstate Commission shall adopt  
 1480 bylaws to govern its conduct as may be necessary or  
 1481 appropriate to carry out the purposes of the compact.

1482 2. The Interstate Commission's bylaws and rules shall  
 1483 establish conditions and procedures under which the Interstate  
 1484 Commission shall make its information and official records  
 1485 available to the public for inspection or copying. The  
 1486 Interstate Commission may exempt from disclosure information  
 1487 or official records to the extent they would adversely affect  
 1488 personal privacy rights or proprietary interests.

1489 B. Meetings.

1490 1. The Interstate Commission shall meet at least once  
 1491 each calendar year. The chairperson may call additional  
 1492 meetings and, upon the request of a simple majority of the  
 1493 member states, shall call additional meetings.

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1494        2. Public notice shall be given by the Interstate  
 1495 Commission of all meetings and all meetings shall be open to  
 1496 the public, except as set forth in the rules or as otherwise  
 1497 provided in the compact. The Interstate Commission and its  
 1498 committees may close a meeting, or portion thereof, where it  
 1499 determines by two-thirds vote that an open meeting would be  
 1500 likely to:

1501        a. Relate solely to the Interstate Commission's internal  
 1502 personnel practices and procedures;

1503        b. Disclose matters specifically exempted from  
 1504 disclosure by federal law;

1505        c. Disclose financial or commercial information that is  
 1506 privileged, proprietary, or confidential in nature;

1507        d. Involve accusing a person of a crime or formally  
 1508 censuring a person;

1509        e. Disclose information of a personal nature if  
 1510 disclosure would constitute a clearly unwarranted invasion of  
 1511 personal privacy or physically endanger one or more persons;

1512        f. Disclose investigative records compiled for law  
 1513 enforcement purposes; or

1514        g. Specifically relate to the Interstate Commission's  
 1515 participation in a civil action or other legal proceeding.

1516        3. For a meeting or a portion of a meeting closed  
 1517 pursuant to this section, the Interstate Commission's legal  
 1518 counsel or a designee shall certify that the meeting may be  
 1519 closed and shall reference each relevant exemption provision.  
 1520 The Interstate Commission shall keep minutes that shall fully  
 1521 and clearly describe all matters discussed in a meeting and

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1522 shall provide a full and accurate summary of actions taken,  
 1523 and the reasons therefore, including a description of the  
 1524 views expressed and the record of a roll call vote. All  
 1525 documents considered in connection with an action shall be  
 1526 identified in such minutes. All minutes and documents of a  
 1527 closed meeting shall remain under seal, subject to release by  
 1528 a majority vote of the Interstate Commission or by court  
 1529 order.

1530 4. The bylaws may provide for meetings of the Interstate  
 1531 Commission to be conducted by telecommunication or other  
 1532 electronic communication.

1533 C. Officers and staff.

1534 1. The Interstate Commission may, through its executive  
 1535 committee, appoint or retain a staff director for such period,  
 1536 upon such terms and conditions, and for such compensation as  
 1537 the Interstate Commission may deem appropriate. The staff  
 1538 director shall serve as secretary to the Interstate Commission  
 1539 but shall not have a vote. The staff director may hire and  
 1540 supervise such other staff as may be authorized by the  
 1541 Interstate Commission.

1542 2. The Interstate Commission shall elect, from among its  
 1543 members, a chairperson and a vice chairperson of the executive  
 1544 committee and other necessary officers, each of whom shall  
 1545 have such authority and duties as may be specified in the  
 1546 bylaws.

1547 D. Qualified immunity, defense, and indemnification.

1548 1. The Interstate Commission's staff director and its  
 1549 employees shall be immune from suit and liability, either



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1550 personally or in their official capacity, for a claim for  
 1551 damage to or loss of property or personal injury or other  
 1552 civil liability caused or arising out of or relating to an  
 1553 actual or alleged act, error, or omission that occurred, or  
 1554 that such person had a reasonable basis for believing occurred  
 1555 within the scope of Interstate Commission employment, duties,  
 1556 or responsibilities; provided that such person shall not be  
 1557 protected from suit or liability for damage, loss, injury, or  
 1558 liability caused by a criminal act or the intentional or  
 1559 willful and wanton misconduct of such person.

1560 a. The liability of the Interstate Commission's staff  
 1561 director and employees or Interstate Commission  
 1562 representatives, acting within the scope of such person's  
 1563 employment or duties for acts, errors, or omissions occurring  
 1564 within such person's state may not exceed the limits of  
 1565 liability set forth under the constitution and laws of that  
 1566 state for state officials, employees, and agents. The  
 1567 Interstate Commission is considered to be an instrumentality  
 1568 of the states for the purposes of any such action. Nothing in  
 1569 this subsection shall be construed to protect such person from  
 1570 suit or liability for damage, loss, injury, or liability  
 1571 caused by a criminal act or the intentional or willful and  
 1572 wanton misconduct of such person.

1573 b. The Interstate Commission shall defend the staff  
 1574 director and its employees and, subject to the approval of the  
 1575 Attorney General or other appropriate legal counsel of the  
 1576 member state, shall defend the commissioner of a member state  
 1577 in a civil action seeking to impose liability arising out of

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1578 an actual or alleged act, an error or omission that occurred  
 1579 within the scope of Interstate Commission employment, duties,  
 1580 or responsibilities, or that the defendant had a reasonable  
 1581 basis for believing occurred within the scope of Interstate  
 1582 Commission employment, duties, or responsibilities; provided  
 1583 that the actual or alleged act, error, or omission did not  
 1584 result from intentional or willful and wanton misconduct on  
 1585 the part of such person.

1586 c. To the extent not covered by the state involved, a  
 1587 member state, or the Interstate Commission, the  
 1588 representatives or employees of the Interstate Commission  
 1589 shall be held harmless in the amount of a settlement or  
 1590 judgment, including attorney's fees and costs, obtained  
 1591 against such persons arising out of an actual or alleged act,  
 1592 error, or omission that occurred within the scope of  
 1593 Interstate Commission employment, duties, or responsibilities,  
 1594 or that such persons had a reasonable basis for believing  
 1595 occurred within the scope of Interstate Commission employment,  
 1596 duties, or responsibilities; provided that the actual or  
 1597 alleged act, error, or omission did not result from  
 1598 intentional or willful and wanton misconduct on the part of  
 1599 such persons.

1600  
 1601 ARTICLE XI. RULEMAKING FUNCTIONS  
 1602 OF THE INTERSTATE COMMISSION  
 1603

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1604        A. The Interstate Commission shall promulgate and  
 1605 publish rules in order to effectively and efficiently achieve  
 1606 the purposes of the compact.

1607        B. Rulemaking shall occur pursuant to the criteria set  
 1608 forth in this article and the bylaws and rules adopted  
 1609 pursuant thereto. Such rulemaking shall substantially conform  
 1610 to the principles of the "Model State Administrative  
 1611 Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15,  
 1612 p.1 (2000), or such other administrative procedure acts as the  
 1613 Interstate Commission deems appropriate consistent with due  
 1614 process requirements under the United States Constitution as  
 1615 now or hereafter interpreted by the U. S. Supreme Court. All  
 1616 rules and amendments shall become binding as of the date  
 1617 specified, as published with the final version of the rule as  
 1618 approved by the Interstate Commission.

1619        C. When promulgating a rule, the Interstate Commission  
 1620 shall, at a minimum:

1621            1. Publish the proposed rule's entire text stating the  
 1622 reason for that proposed rule;

1623            2. Allow and invite any and all persons to submit  
 1624 written data, facts, opinions, and arguments, which  
 1625 information shall be added to the record and be made publicly  
 1626 available; and

1627            3. Promulgate a final rule and its effective date, if  
 1628 appropriate, based on input from state or local officials or  
 1629 interested parties.

1630        D. Rules promulgated by the Interstate Commission shall  
 1631 have the force and effect of administrative rules and shall be

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1632 binding in the compacting states to the extent and in the  
 1633 manner provided for in this compact.

1634 E. Not later than 60 days after a rule is promulgated,  
 1635 an interested person may file a petition in the United States  
 1636 District Court for the District of Columbia or in the Federal  
 1637 District Court where the Interstate Commission's principal  
 1638 office is located for judicial review of such rule. If the  
 1639 court finds that the Interstate Commission's action is not  
 1640 supported by substantial evidence in the rulemaking record,  
 1641 the court shall hold the rule unlawful and set it aside.

1642 F. If a majority of the legislatures of the member  
 1643 states rejects a rule, those states may by enactment of a  
 1644 statute or resolution in the same manner used to adopt the  
 1645 compact cause that such rule shall have no further force and  
 1646 effect in any member state.

1647 G. The existing rules governing the operation of the  
 1648 Interstate Compact on the Placement of Children superseded by  
 1649 this act shall be null and void no less than 12, but no more  
 1650 than 24 months after the first meeting of the Interstate  
 1651 Commission created hereunder, as determined by the members  
 1652 during the first meeting.

1653 H. Within the first 12 months of operation, the  
 1654 Interstate Commission shall promulgate rules addressing the  
 1655 following:

- 1656 1. Transition rules.
- 1657 2. Forms and procedures.
- 1658 3. Timelines.
- 1659 4. Data collection and reporting.

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- 1660        5. Rulemaking.
- 1661        6. Visitation.
- 1662        7. Progress reports and supervision.
- 1663        8. Sharing of information and confidentiality.
- 1664        9. Financing of the Interstate Commission.
- 1665        10. Mediation, arbitration, and dispute resolution.
- 1666        11. Education, training, and technical assistance.
- 1667        12. Enforcement.
- 1668        13. Coordination with other interstate compacts.
- 1669        I. Upon determination by a majority of the members of  
 1670 the Interstate Commission that an emergency exists:
- 1671            1. The Interstate Commission may promulgate an emergency  
 1672 rule only if it is required to:
- 1673                a. Protect the children covered by this compact from an  
 1674 imminent threat to their health, safety, and well-being;
- 1675                b. Prevent loss of federal or state funds; or
- 1676                c. Meet a deadline for the promulgation of an  
 1677 administrative rule required by federal law.
- 1678            2. An emergency rule shall become effective immediately  
 1679 upon adoption, provided that the usual rulemaking procedures  
 1680 provided hereunder shall be retroactively applied to said rule  
 1681 as soon as reasonably possible, but no later than 90 days  
 1682 after the effective date of the emergency rule.
- 1683            3. An emergency rule shall be promulgated as provided  
 1684 for in the rules of the Interstate Commission.
- 1685
- 1686        ARTICLE XII. OVERSIGHT, DISPUTE RESOLUTION, ENFORCEMENT
- 1687

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1688        A. Oversight.

1689        1. The Interstate Commission shall oversee the

1690 administration and operation of the compact.

1691        2. The executive, legislative, and judicial branches of

1692 state government in each member state shall enforce this

1693 compact and the rules of the Interstate Commission and shall

1694 take all actions necessary and appropriate to effectuate the

1695 compact's purposes and intent. The compact and its rules shall

1696 be binding in the compacting states to the extent and in the

1697 manner provided for in this compact.

1698        3. All courts shall take judicial notice of the compact

1699 and the rules in any judicial or administrative proceeding in

1700 a member state pertaining to the subject matter of this

1701 compact.

1702        4. The Interstate Commission shall be entitled to

1703 receive service of process in any action in which the validity

1704 of a compact provision or rule is the issue for which a

1705 judicial determination has been sought and shall have standing

1706 to intervene in any proceedings. Failure to provide service of

1707 process to the Interstate Commission shall render any

1708 judgment, order, or other determination, however so captioned

1709 or classified, void as to the Interstate Commission, this

1710 compact, and the bylaws or rules of the Interstate Commission.

1711        B. Dispute resolution.

1712        1. The Interstate Commission shall attempt, upon the

1713 request of a member state, to resolve disputes that are

1714 subject to the compact and that may arise among member states

1715 and between member and nonmember states.

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1716           2. The Interstate Commission shall promulgate a rule  
 1717 providing for both mediation and binding dispute resolution  
 1718 for disputes among compacting states. The costs of such  
 1719 mediation or dispute resolution shall be the responsibility of  
 1720 the parties to the dispute.

1721           C. Enforcement.

1722           1. If the Interstate Commission determines that a member  
 1723 state has defaulted in the performance of its obligations or  
 1724 responsibilities under this compact or its bylaws or rules,  
 1725 the Interstate Commission may:

1726           a. Provide remedial training and specific technical  
 1727 assistance;

1728           b. Provide written notice to the defaulting state and  
 1729 other member states of the nature of the default and the means  
 1730 of curing the default. The Interstate Commission shall specify  
 1731 the conditions by which the defaulting state must cure its  
 1732 default;

1733           c. By majority vote of the members, initiate against a  
 1734 defaulting member state legal action in the United State  
 1735 District Court for the District of Columbia or, at the  
 1736 discretion of the Interstate Commission, in the federal  
 1737 district where the Interstate Commission has its principal  
 1738 office, to enforce compliance with the provisions of the  
 1739 compact, its bylaws or rules. The relief sought may include  
 1740 both injunctive relief and damages. In the event judicial  
 1741 enforcement is necessary the prevailing party shall be awarded  
 1742 all costs of such litigation including reasonable attorney's  
 1743 fees; or

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1744 d. Avail itself of any other remedies available under  
 1745 state law or the regulation of official or professional  
 1746 conduct.

1747

1748 ARTICLE XIII. FINANCING OF THE COMMISSION

1749

1750 A. The Interstate Commission shall pay or provide for  
 1751 the payment of the reasonable expenses of its establishment,  
 1752 organization, and ongoing activities.

1753 B. The Interstate Commission may levy on and collect an  
 1754 annual assessment from each member state to cover the cost of  
 1755 the operations and activities of the Interstate Commission and  
 1756 its staff which assessment must be in a total amount  
 1757 sufficient to cover the Interstate Commission's annual budget  
 1758 as approved by its members each year. The aggregate annual  
 1759 assessment amount shall be allocated based upon a formula to  
 1760 be determined by the Interstate Commission which shall  
 1761 promulgate a rule binding upon all member states.

1762 C. The Interstate Commission shall not incur obligations  
 1763 of any kind prior to securing the funds adequate to meet the  
 1764 same, nor shall the Interstate Commission pledge the credit of  
 1765 any of the member states except by and with the authority of  
 1766 the member state.

1767 D. The Interstate Commission shall keep accurate  
 1768 accounts of all receipts and disbursements. The receipts and  
 1769 disbursements of the Interstate Commission shall be subject to  
 1770 the audit and accounting procedures established under its  
 1771 bylaws. However, all receipts and disbursements of funds



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1772 handled by the Interstate Commission shall be audited yearly  
 1773 by a certified or licensed public accountant and the report of  
 1774 the audit shall be included in and become part of the annual  
 1775 report of the Interstate Commission.

1776  
 1777 ARTICLE XIV. MEMBER STATES,  
 1778 EFFECTIVE DATE, AND AMENDMENT  
 1779

1780 A. Any state is eligible to become a member state.

1781 B. The compact shall become effective and binding upon  
 1782 legislative enactment of the compact into law by no fewer than  
 1783 35 states. The effective date shall be the later of July 1,  
 1784 2007, or upon enactment of the compact into law by the 35th  
 1785 state. Thereafter it shall become effective and binding as to  
 1786 any other member state upon enactment of the compact into law  
 1787 by that state. The executive heads of the state human services  
 1788 administration with ultimate responsibility for the child  
 1789 welfare program of nonmember states or their designees shall  
 1790 be invited to participate in the activities of the Interstate  
 1791 Commission on a nonvoting basis prior to adoption of the  
 1792 compact by all states.

1793 C. The Interstate Commission may propose amendments to  
 1794 the compact for enactment by the member states. No amendment  
 1795 shall become effective and binding on the member states unless  
 1796 and until it is enacted into law by unanimous consent of the  
 1797 member states.

1798  
 1799 ARTICLE XV. WITHDRAWAL AND DISSOLUTION

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A. Withdrawal.

1. Once effective, the compact shall continue in force and remain binding upon each and every member state, provided that a member state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same. The effective date of withdrawal shall be the effective date of the repeal of the statute.

3. The withdrawing state shall immediately notify the president of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall then notify the other member states of the withdrawing state's intent to withdraw.

4. The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the members of the Interstate Commission.

B. Dissolution of compact.

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state that thereby reduces the membership in the compact to one member state.

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1828        2. Upon the dissolution of this compact, the compact  
 1829 becomes null and void and shall be of no further force or  
 1830 effect, and the business and affairs of the Interstate  
 1831 Commission shall be concluded and surplus funds shall be  
 1832 distributed in accordance with the bylaws.

1833  
 1834                    ARTICLE XVI. SEVERABILITY AND CONSTRUCTION

1836        A. The provisions of this compact shall be severable  
 1837 and, if any phrase, clause, sentence, or provision is deemed  
 1838 unenforceable, the remaining provisions of the compact shall  
 1839 be enforceable.

1840        B. The provisions of this compact shall be liberally  
 1841 construed to effectuate its purposes.

1842        C. Nothing in this compact shall be construed to  
 1843 prohibit the concurrent applicability of other interstate  
 1844 compacts of which the states are members.

1845  
 1846                    ARTICLE XVII. BINDING EFFECT OF COMPACT AND OTHER LAWS

1847  
 1848        A. Other laws.

1849        1. Nothing in this compact prevents the enforcement of  
 1850 any other law of a member state that is not inconsistent with  
 1851 this compact.

1852        B. Binding effect of the compact.

1853        1. All lawful actions of the Interstate Commission,  
 1854 including all rules and bylaws promulgated by the Interstate  
 1855 Commission, are binding upon the member states.

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1856 2. All agreements between the Interstate Commission and  
 1857 the member states are binding in accordance with their terms.

1858 3. In the event any provision of this compact exceeds  
 1859 the constitutional limits imposed on the legislature of any  
 1860 member state, such provision shall be ineffective to the  
 1861 extent of the conflict with the constitutional provision in  
 1862 question in that member state.

1863  
 1864 ARTICLE XVIII. INDIAN TRIBES

1865  
 1866 Notwithstanding any other provision in this compact, the  
 1867 Interstate Commission may promulgate guidelines to permit  
 1868 Indian tribes to utilize the compact to achieve any or all of  
 1869 the purposes of the compact as specified in Article I. The  
 1870 Interstate Commission shall make reasonable efforts to consult  
 1871 with Indian tribes in promulgating guidelines to reflect the  
 1872 diverse circumstances of the various Indian tribes.

1873 Section 20. Sections 409.402 and 409.403, Florida  
 1874 Statutes, are repealed.

1875 Section 21. Section 409.404, Florida Statutes, is amended  
 1876 to read:

1877 409.404 Agreements between party state officers and  
 1878 agencies.--

1879 (1) The officers and agencies of this state and its  
 1880 subdivisions having authority to place children may ~~are hereby~~  
 1881 ~~empowered to~~ enter into agreements with appropriate officers or  
 1882 agencies of or in other party states pursuant to ~~paragraph (b)~~  
 1883 ~~of Article V of~~ the Interstate Compact on the Placement of

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1884 Children, ~~s. 409.401~~. Any such agreement that ~~which~~ contains a  
 1885 financial commitment or imposes a financial obligation on this  
 1886 state or subdivision or agency thereof is ~~shall~~ not be binding  
 1887 unless it has the approval in writing of the secretary of  
 1888 Children and Family Services in the case of the state.

1889 (2) Any requirements for visitation, inspection, or  
 1890 supervision of children, homes, institutions, or other agencies  
 1891 in another party state which may apply under the provisions of  
 1892 chapter 63 and this chapter are ~~shall be~~ deemed to be met if  
 1893 performed pursuant to an agreement entered into by appropriate  
 1894 agencies of this state or a subdivision thereof as contemplated  
 1895 by ~~paragraph (b) of Article V of the Interstate Compact on the~~  
 1896 Placement of Children, s. 409.401.

1897 Section 22. Subsection (3) of section 787.04, Florida  
 1898 Statutes, is amended to read:

1899 787.04 Removing minors from state or concealing minors  
 1900 contrary to state agency order or court order.--

1901 (3) It is unlawful for any person, ~~with criminal intent,~~  
 1902 to knowingly and willfully lead, take, entice, or remove a minor  
 1903 beyond the limits of this state, or to knowingly and willfully  
 1904 conceal the location of a minor, during the pendency of a  
 1905 dependency proceeding affecting such minor or during the  
 1906 pendency of any investigation, action, or proceeding concerning  
 1907 the alleged abuse or neglect of such minor, after having  
 1908 received actual or constructive notice of the pendency of such  
 1909 investigation, action, or proceeding and without the permission  
 1910 of the state agency or court in which the investigation, action,  
 1911 or proceeding is pending.

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1912 Section 23. Subsection (1) of section 937.021, Florida  
 1913 Statutes, is amended to read:  
 1914 937.021 Missing child reports.--  
 1915 (1) Upon the filing of a police report that a child is  
 1916 missing by the parent or guardian, the Department of Children  
 1917 and Family Services, a community-based care provider, or a  
 1918 sheriff's office providing investigative services for the  
 1919 department, the law enforcement agency receiving the report  
 1920 shall immediately inform all on-duty law enforcement officers of  
 1921 the ~~existence of the~~ missing child report, communicate the  
 1922 report to every other law enforcement agency having jurisdiction  
 1923 in the county, and transmit the report for inclusion within the  
 1924 Florida Crime Information Center computer. A law enforcement  
 1925 agency may not require a reporter to present an order that a  
 1926 child be taken into custody or any other such order before  
 1927 accepting a report that a child is missing.  
 1928 Section 24. Paragraph (c) of subsection (4) of section  
 1929 985.04, Florida Statutes, is amended to read:  
 1930 985.04 Oaths; records; confidential information.--  
 1931 (4)  
 1932 (c) The department shall disclose to the school  
 1933 superintendent the presence of any child in the care and custody  
 1934 or under the jurisdiction or supervision of the department who  
 1935 has a known history of criminal sexual behavior with other  
 1936 juveniles; is an alleged juvenile sexual offender or a child who  
 1937 has exhibited inappropriate sexual behavior, as defined in s.  
 1938 39.01; or has pled guilty or nolo contendere to, or has been  
 1939 found to have committed, a violation of chapter 794, chapter

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1940 796, chapter 800, s. 827.071, or s. 847.0133, regardless of  
 1941 adjudication. An ~~Any~~ employee of a district school board who  
 1942 knowingly and willfully discloses such information to an  
 1943 unauthorized person commits a misdemeanor of the second degree,  
 1944 punishable as provided in s. 775.082 or s. 775.083.

1945 Section 25. Paragraph (b) of subsection (3) of section  
 1946 39.0015, Florida Statutes, is amended to read:

1947 39.0015 Child abuse prevention training in the district  
 1948 school system.--

1949 (3) DEFINITIONS.--As used in this section:

1950 (b) "Child abuse" means those acts as defined in ss.  
 1951 39.01(1), (2), (32) ~~(31)~~, (42) ~~(41)~~, (44) ~~(43)~~, (56) ~~(55)~~, and  
 1952 (67) ~~(66)~~, 827.04, and 984.03(1), (2), and (37).

1953 Section 26. Subsection (5) of section 39.205, Florida  
 1954 Statutes, is amended to read:

1955 39.205 Penalties relating to reporting of child abuse,  
 1956 abandonment, or neglect.--

1957 (5) If the department or its authorized agent has  
 1958 determined after its investigation that a report is false, the  
 1959 department shall, with the consent of the alleged perpetrator,  
 1960 refer the report to the local law enforcement agency having  
 1961 jurisdiction for an investigation to determine whether  
 1962 sufficient evidence exists to refer the case for prosecution for  
 1963 filing a false report as defined in s. 39.01(29) ~~(28)~~. During the  
 1964 pendency of the investigation by the local law enforcement  
 1965 agency, the department must notify the local law enforcement  
 1966 agency of, and the local law enforcement agency must respond to,  
 1967 all subsequent reports concerning children in that same family

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1968 in accordance with s. 39.301. If the law enforcement agency  
 1969 believes that there are indicators of abuse, abandonment, or  
 1970 neglect, it must immediately notify the department, which must  
 1971 assure the safety of the children. If the law enforcement agency  
 1972 finds sufficient evidence for prosecution for filing a false  
 1973 report, it must refer the case to the appropriate state attorney  
 1974 for prosecution.

1975 Section 27. Subsection (1) of section 39.302, Florida  
 1976 Statutes, is amended to read:

1977 39.302 Protective investigations of institutional child  
 1978 abuse, abandonment, or neglect.--

1979 (1) The department shall conduct a child protective  
 1980 investigation of each report of institutional child abuse,  
 1981 abandonment, or neglect. Upon receipt of a report that alleges  
 1982 that an employee or agent of the department, or any other entity  
 1983 or person covered by s. 39.01(33) or (47)~~(32) or (46)~~, acting in  
 1984 an official capacity, has committed an act of child abuse,  
 1985 abandonment, or neglect, the department shall initiate a child  
 1986 protective investigation within the timeframe established by the  
 1987 central abuse hotline under s. 39.201(5) and orally notify the  
 1988 appropriate state attorney, law enforcement agency, and  
 1989 licensing agency. These agencies shall immediately conduct a  
 1990 joint investigation, unless independent investigations are more  
 1991 feasible. When conducting investigations onsite or having face-  
 1992 to-face interviews with the child, such investigation visits  
 1993 shall be unannounced unless it is determined by the department  
 1994 or its agent that the unannounced visits would threaten the  
 1995 safety of the child. When a facility is exempt from licensing,



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1996 the department shall inform the owner or operator of the  
 1997 facility of the report. Each agency conducting a joint  
 1998 investigation is entitled to full access to the information  
 1999 gathered by the department in the course of the investigation. A  
 2000 protective investigation must include an onsite visit of the  
 2001 child's place of residence. In all cases, the department shall  
 2002 make a full written report to the state attorney within 3  
 2003 working days after making the oral report. A criminal  
 2004 investigation shall be coordinated, whenever possible, with the  
 2005 child protective investigation of the department. Any interested  
 2006 person who has information regarding the offenses described in  
 2007 this subsection may forward a statement to the state attorney as  
 2008 to whether prosecution is warranted and appropriate. Within 15  
 2009 days after the completion of the investigation, the state  
 2010 attorney shall report the findings to the department and shall  
 2011 include in the report a determination of whether or not  
 2012 prosecution is justified and appropriate in view of the  
 2013 circumstances of the specific case.

2014 Section 28. Paragraphs (b) and (c) of subsection (2) of  
 2015 section 39.6011, Florida Statutes, are amended to read:

2016 39.6011 Case plan development.--

2017 (2) The case plan must be written simply and clearly in  
 2018 English and, if English is not the principal language of the  
 2019 child's parent, to the extent possible in the parent's principal  
 2020 language. Each case plan must contain:

2021 (b) The permanency goal as defined in s. 39.01 (52) ~~(51)~~.

2022 (c) If concurrent planning is being used, a description of  
 2023 the permanency goal of reunification with the parent or legal

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2024 | custodian in addition to a description of one of the remaining  
 2025 | permanency goals described in s. 39.01(52)~~(51)~~.

2026 | Section 29. Paragraph (a) of subsection (1) of section  
 2027 | 39.828, Florida Statutes, is amended to read:

2028 | 39.828 Grounds for appointment of a guardian advocate.--

2029 | (1) The court shall appoint the person named in the  
 2030 | petition as a guardian advocate with all the powers and duties  
 2031 | specified in s. 39.829 for an initial term of 1 year upon a  
 2032 | finding that:

2033 | (a) The child named in the petition is or was a drug  
 2034 | dependent newborn as described in s. 39.01(32)~~(31)~~~~(g)~~;

2035 | Section 30. Paragraph (d) of subsection (1) of section  
 2036 | 419.001, Florida Statutes, is amended to read:

2037 | 419.001 Site selection of community residential homes.--

2038 | (1) For the purposes of this section, the following  
 2039 | definitions shall apply:

2040 | (d) "Resident" means any of the following: a frail elder  
 2041 | as defined in s. 429.65; a physically disabled or handicapped  
 2042 | person as defined in s. 760.22(7)(a); a developmentally disabled  
 2043 | person as defined in s. 393.063; a nondangerous mentally ill  
 2044 | person as defined in s. 394.455(18); or a child who is found to  
 2045 | be dependent or a child in need of services as defined in s.  
 2046 | 39.01(15)~~(14)~~, s. 984.03(9) or (12), or s. 985.03.

2047 | Section 31. Effective upon this act becoming a law, and  
 2048 | operating retroactively to June 29, 2008, subsection (3) of  
 2049 | section 1 of chapter 2007-174, Laws of Florida, is amended to  
 2050 | read:

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2051 Section 1. Flexibility for the Department of Children and  
2052 Family Services.--

2053 (3) This section expires June 30, 2009 ~~2008~~.

2054 Section 32. Except as otherwise expressly provided in this  
2055 act and except for this section, which shall take effect upon  
2056 this act becoming a law, this act shall take effect July 1,  
2057 2008.