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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2015	.	
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The Committee on Health Policy (Grimsley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 203 - 206

and insert:

Section 2. Paragraph (c) is added to subsection (2) of section 458.3175, Florida Statutes, to read:

458.3175 Expert witness certificate.-

(2) An expert witness certificate authorizes the physician to whom the certificate is issued to do only the following:

(c) Provide expert testimony in a criminal child abuse case



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11 in this state.

12 Section 3. For the purpose of incorporating the amendment  
13 made by this act to section 39.303, Florida Statutes, in a  
14 reference thereto, section 39.3031, Florida Statutes, is  
15 reenacted to read:

16 39.3031 Rules for implementation of s. 39.303.—The  
17 Department of Health, in consultation with the Department of  
18 Children and Families, shall adopt rules governing the child  
19 protection teams pursuant to s. 39.303, including definitions,  
20 organization, roles and responsibilities, eligibility, services  
21 and their availability, qualifications of staff, and a waiver-  
22 request process.

23 Section 4. For the purpose of incorporating the amendment  
24 made by this act to section 39.303, Florida Statutes, in a  
25 reference thereto, subsection (2) of section 391.026, Florida  
26 Statutes, is reenacted to read:

27 391.026 Powers and duties of the department.—The department  
28 shall have the following powers, duties, and responsibilities:

29 (2) To provide services to abused and neglected children  
30 through child protection teams pursuant to s. 39.303.

31 Section 5. For the purpose of incorporating the amendment  
32 made by this act to section 458.3175, Florida Statutes, in a  
33 reference thereto, subsection (12) of section 766.102, Florida  
34 Statutes, is reenacted to read:

35 766.102 Medical negligence; standards of recovery; expert  
36 witness.—

37 (12) If a physician licensed under chapter 458 or chapter  
38 459 or a dentist licensed under chapter 466 is the party against  
39 whom, or on whose behalf, expert testimony about the prevailing



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40 professional standard of care is offered, the expert witness  
41 must be licensed under chapter 458, chapter 459, or chapter 466  
42 or possess a valid expert witness certificate issued under s.  
43 458.3175, s. 459.0066, or s. 466.005.

44 Section 6. For the purpose of incorporating the amendment  
45 made by this act to section 458.3175, Florida Statutes, in a  
46 reference thereto, paragraphs (a) and (b) of subsection (3) of  
47 section 827.03, Florida Statutes, are reenacted to read:

48 827.03 Abuse, aggravated abuse, and neglect of a child;  
49 penalties.—

50 (3) EXPERT TESTIMONY.—

51 (a) Except as provided in paragraph (b), a physician may  
52 not provide expert testimony in a criminal child abuse case  
53 unless the physician is a physician licensed under chapter 458  
54 or chapter 459 or has obtained certification as an expert  
55 witness pursuant to s. 458.3175.

56 (b) A physician may not provide expert testimony in a  
57 criminal child abuse case regarding mental injury unless the  
58 physician is a physician licensed under chapter 458 or chapter  
59 459 who has completed an accredited residency in psychiatry or  
60 has obtained certification as an expert witness pursuant to s.  
61 458.3175.

62 Section 7. For the purpose of incorporating the amendment  
63 made by this act to section 458.3175, Florida Statutes, in a  
64 reference thereto, paragraph (a) of subsection (3) of section  
65 960.03, Florida Statutes, is reenacted to read:

66 960.03 Definitions; ss. 960.01-960.28.—As used in ss.  
67 960.01-960.28, unless the context otherwise requires, the term:

68 (3) "Crime" means:



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69 (a) A felony or misdemeanor offense committed by an adult  
70 or a juvenile which results in physical injury or death, or a  
71 felony or misdemeanor offense of child abuse committed by an  
72 adult or a juvenile which results in a mental injury, as defined  
73 in s. 827.03, to a person younger than 18 years of age who was  
74 not physically injured by the criminal act. The mental injury to  
75 the minor must be verified by a psychologist licensed under  
76 chapter 490, by a physician licensed in this state under chapter  
77 458 or chapter 459 who has completed an accredited residency in  
78 psychiatry, or by a physician who has obtained certification as  
79 an expert witness pursuant to s. 458.3175. The term also  
80 includes a criminal act that is committed within this state but  
81 that falls exclusively within federal jurisdiction.

82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84 Delete lines 2 - 8

85 and insert:

86 An act relating to child protection; amending s.  
87 39.303, F.S.; requiring the Statewide Medical Director  
88 for Child Protection and the district medical  
89 directors to hold certain qualifications; amending s.  
90 458.3175, F.S.; authorizing a physician with an expert  
91 witness certificate to provide expert testimony in a  
92 criminal child abuse case; reenacting ss. 39.3031 and  
93 391.026(2), F.S., relating to rules of implementation  
94 of s. 39.303, F.S., and powers and duties of the  
95 Department of Health, respectively, to incorporate the  
96 amendment made to s. 39.303, F.S., in references  
97 thereto; reenacting ss. 776.102(12), 827.03(3) (a) and



98 (b), and 960.03(3)(a), F.S., relating to expert  
99 witnesses, expert testimony, and the definition of the  
100 term "crime," respectively, to incorporate the  
101 amendment made to s. 458.3175, F.S., in references  
102 thereto; providing an effective date.