

583-168AX-08

Bill No. CS for CS for SB 338

Amendment No. ____ (for drafter's use only)

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Murman offered the following:

Amendment (with title amendment)

remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Short title.--This act may be cited as the
"Kayla McKean Child Protection Act."

Section 2. Legislative intent.--The Legislature
intends to identify those gaps or shortcomings in the current
child protection system, including those gaps or shortcomings
in child protection services provided by the Department of
Children and Family Services and its contract providers, by
child protection teams, by law enforcement agencies, by
schools, and by the courts, in order to make the system more
responsive to children who are at risk of child abuse or
neglect.

Section 3. Paragraph (1) is added to subsection (30)
of section 39.01, Florida Statutes, 1998 Supplement, and
subsection (50) of that section is amended, to read:

39.01 Definitions.--When used in this chapter, unless

1 the context otherwise requires:

2 (30) "Harm" to a child's health or welfare can occur
3 when the parent, legal custodian, or caregiver responsible for
4 the child's welfare:

5 (1) Makes the child unavailable for the purpose of
6 impeding or avoiding a protective investigation unless the
7 court determines that the parent, legal custodian, or
8 caregiver was fleeing from a situation involving domestic
9 violence.

10 (50) "Participant," for purposes of a shelter
11 proceeding, dependency proceeding, or termination of parental
12 rights proceeding, means any person who is not a party but who
13 should receive notice of hearings involving the child,
14 including foster parents or caregivers, identified prospective
15 parents, grandparents entitled to priority for adoption
16 consideration under s. 63.0425, actual custodians of the
17 child, and any other person whose participation may be in the
18 best interest of the child. A community-based agency under
19 contract with the department to provide protective services
20 may be designated as a participant at the discretion of the
21 court. Participants may be granted leave by the court to be
22 heard without the necessity of filing a motion to intervene.

23 Section 4. Subsections (1) and (2) of section 39.201,
24 Florida Statutes, 1998 Supplement, are amended, and
25 subsections (8) and (9) are added to that section, to read:

26 39.201 Mandatory reports of child abuse, abandonment,
27 or neglect; mandatory reports of death; central abuse
28 hotline.--

29 (1) Any person, including, but not limited to, any:

30 (a) Physician, osteopathic physician, medical
31 examiner, chiropractic physician, nurse, or hospital personnel

1 engaged in the admission, examination, care, or treatment of
2 persons;

3 (b) Health or mental health professional other than
4 one listed in paragraph (a);

5 (c) Practitioner who relies solely on spiritual means
6 for healing;

7 (d) School teacher or other school official or
8 personnel;

9 (e) Social worker, day care center worker, or other
10 professional child care, foster care, residential, or
11 institutional worker; ~~or~~

12 (f) Law enforcement officer; or

13 (g) Judge,

14
15 who knows, or has reasonable cause to suspect, that a child is
16 an abused, abandoned, or neglected child shall report such
17 knowledge or suspicion to the department in the manner
18 prescribed in subsection (2).

19 (2)(a) Each report of known or suspected child abuse,
20 abandonment, or neglect pursuant to this section, except those
21 solely under s. 827.04(3), shall be made immediately to the
22 department's central abuse hotline on the single statewide
23 toll-free telephone number, and, if the report is of an
24 instance of known or suspected child abuse by a noncaretaker,
25 the call shall be immediately electronically transferred to
26 the appropriate county sheriff's office by the central abuse
27 hotline. If the report is of an instance of known or
28 suspected child abuse involving impregnation of a child under
29 16 years of age by a person 21 years of age or older solely
30 under s. 827.04(3), the report shall be made immediately to
31 the appropriate county sheriff's office or other appropriate

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1 law enforcement agency. If the report is of an instance of
2 known or suspected child abuse solely under s. 827.04(3), the
3 reporting provisions of this subsection do not apply to health
4 care professionals or other persons who provide medical or
5 counseling services to pregnant children when such reporting
6 would interfere with the provision of medical services.

7 (b) The department must consider valid and accept for
8 investigation any report received by the central abuse hotline
9 from a judge, teacher or other professional school official,
10 or physician, as specified in paragraph (1)(a), paragraph
11 (1)(d), or paragraph (1)(g), who is acting in his or her
12 professional capacity, alleging harm as defined in s. 39.01.

13 (c)~~(b)~~ Reporters in occupation categories designated
14 in subsection (1) are required to provide their names to the
15 hotline staff. The names of reporters shall be entered into
16 the record of the report, but shall be held confidential as
17 provided in s. 39.202.

18 (d)~~(c)~~ Reports involving known or suspected
19 institutional child abuse or neglect shall be made and
20 received in the same manner as all other reports made pursuant
21 to this section.

22 (e)~~(d)~~ Reports involving a known or suspected juvenile
23 sexual offender shall be made and received by the department.

24 1. The department shall determine the age of the
25 alleged juvenile sexual offender if known.

26 2. When the alleged juvenile sexual offender is 12
27 years of age or younger, the department shall proceed with an
28 investigation of the report pursuant to this part, immediately
29 electronically transfer the call to the appropriate law
30 enforcement agency office by the central abuse hotline, and
31 send a written report of the allegation to the appropriate

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1 county sheriff's office within 48 hours after the initial
2 report is made to the central abuse hotline.

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

10 (f)~~(e)~~ Hotline counselors shall receive periodic
11 training in encouraging reporters to provide their names when
12 reporting abuse, abandonment, or neglect. Callers shall be
13 advised of the confidentiality provisions of s. 39.202. The
14 department shall secure and install electronic equipment that
15 automatically provides to the hotline the number from which
16 the call is placed. This number shall be entered into the
17 report of abuse, abandonment, or neglect and become a part of
18 the record of the report, but shall enjoy the same
19 confidentiality as provided to the identity of the caller
20 pursuant to s. 39.202.

21 (g) The department shall voice-record all incoming or
22 outgoing calls that are received or placed by the central
23 abuse hotline which relate to suspected or known child abuse,
24 neglect, or abandonment. The recording shall become a part of
25 the record of the report, but is subject to the same
26 confidentiality as is provided to the identity of the caller
27 under s. 39.202.

28 (8) Nothing in this chapter or in the privatization of
29 foster care and related services as specified in s. 409.1671
30 shall be construed to remove or reduce the duty and
31 responsibility of any person, including any employee of the

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1 privatization provider, to report a suspected or actual case
2 of child abuse, abandonment, or neglect or the sexual abuse of
3 a child to the department's central abuse hotline.

4 (9) On an ongoing basis, the department's quality
5 assurance program shall review reports to the hotline
6 involving three or more unaccepted reports on a single child
7 in order to detect such things as harassment and situations
8 that warrant an investigation because of the frequency or
9 variety of the source of the reports. The assistant secretary
10 may refer a case for investigation when it is determined, as a
11 result of this review, that an investigation may be warranted.

12 Section 5. Subsection (4) of section 39.202, Florida
13 Statutes, 1998 Supplement, is amended to read:

14 39.202 Confidentiality of reports and records in cases
15 of child abuse or neglect.--

16 (4) The name of any person reporting child abuse,
17 abandonment, or neglect may not be released to any person
18 other than employees of the department responsible for child
19 protective services, the central abuse hotline, law
20 enforcement, or the appropriate state attorney, without the
21 written consent of the person reporting. This does not
22 prohibit the subpoenaing of a person reporting child abuse,
23 abandonment, or neglect when deemed necessary by the court,
24 the state attorney, or the department, provided the fact that
25 such person made the report is not disclosed. Any person who
26 reports a case of child abuse or neglect may, at the time he
27 or she makes the report, request that the department notify
28 him or her that a child protective investigation occurred as a
29 result of the report. Any person specifically listed in s.
30 39.201(1) who makes a report in his or her official capacity
31 may also request a written summary of the outcome of the

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1 investigation.The department shall mail such a notice to the
2 reporter within 10 days after completing the child protective
3 investigation.

4 Section 6. Section 39.205, Florida Statutes, 1998
5 Supplement, is amended to read:

6 39.205 Penalties relating to reporting of child abuse,
7 abandonment, or neglect.--

8 (1) A person who is required to report known or
9 suspected child abuse, abandonment, or neglect and who
10 knowingly and willfully fails to do so, or who knowingly and
11 willfully prevents another person from doing so, is guilty of
12 a misdemeanor of the first ~~second~~ degree, punishable as
13 provided in s. 775.082 or s. 775.083.

14 (2) Unless the court finds that the person is a victim
15 of domestic violence or that other mitigating circumstances
16 exist, a person who is 18 years of age or older and lives in
17 the same house or living unit as a child who is known or
18 suspected to be a victim of child abuse, neglect of a child,
19 or aggravated child abuse, and knowingly and willfully fails
20 to report the child abuse commits a felony of the third
21 degree, punishable as provided in s. 775.082, s. 775.083, or
22 s. 775.084.

23 (3)~~(2)~~ A person who knowingly and willfully makes
24 public or discloses any confidential information contained in
25 the central abuse hotline or in the records of any child
26 abuse, abandonment, or neglect case, except as provided in
27 this chapter, is guilty of a misdemeanor of the second degree,
28 punishable as provided in s. 775.082 or s. 775.083.

29 (4)~~(3)~~ The department shall establish procedures for
30 determining whether a false report of child abuse,
31 abandonment, or neglect has been made and for submitting all

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1 identifying information relating to such a report to the
2 appropriate law enforcement agency and shall report annually
3 to the Legislature the number of reports referred.

4 ~~(5)(4)~~ If the department or its authorized agent has
5 determined after its investigation that a report is false, the
6 department shall, with the consent of the alleged perpetrator,
7 refer the report to the local law enforcement agency having
8 jurisdiction for an investigation to determine whether
9 sufficient evidence exists to refer the case for prosecution
10 for filing a false report as defined in s. 39.01(27). During
11 the pendency of the investigation by the local law enforcement
12 agency, the department must notify the local law enforcement
13 agency of, and the local law enforcement agency must respond
14 to, all subsequent reports concerning children in that same
15 family in accordance with s. 39.301. If the law enforcement
16 agency believes that there are indicators of abuse,
17 abandonment, or neglect, it must immediately notify the
18 department, which must assure the safety of the children. If
19 the law enforcement agency finds sufficient evidence for
20 prosecution for filing a false report, it must refer the case
21 to the appropriate state attorney for prosecution.

22 ~~(6)(5)~~ A person who knowing and willfully makes a
23 false report of child abuse, abandonment, or neglect, or who
24 advises another to make a false report, is guilty of a felony
25 of the third degree, punishable as provided in s. 775.082 or
26 s. 775.083. Anyone making a report who is acting in good
27 faith is immune from any liability under this subsection.

28 ~~(7)(6)~~ Each state attorney shall establish and publish
29 written procedures to facilitate the prosecution of persons
30 under this section, and shall report to the Legislature
31 annually the number of complaints that have resulted in the

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1 filing of an information or indictment and the disposition of
2 those complaints under this section.

3 Section 7. Section 39.301, Florida Statutes, 1998
4 Supplement, is amended to read:

5 39.301 Initiation of protective investigations.--

6 (1) Upon receiving an oral or written report of known
7 or suspected child abuse, abandonment, or neglect, the central
8 abuse hotline shall determine if the report requires an
9 immediate onsite protective investigation. For reports
10 requiring an immediate onsite protective investigation, the
11 central abuse hotline shall immediately notify the
12 department's designated children and families district staff
13 responsible for protective investigations to ensure that an
14 onsite investigation is promptly initiated. For reports not
15 requiring an immediate onsite protective investigation, the
16 central abuse hotline shall notify the department's designated
17 children and families district staff responsible for
18 protective investigations in sufficient time to allow for an
19 investigation. At the time of notification of district staff
20 with respect to the report, the central abuse hotline shall
21 also provide information on any previous report concerning a
22 subject of the present report or any pertinent information
23 relative to the present report or any noted earlier reports.

24 (2) Upon notification by the department's central
25 abuse hotline under subsection (1), the designated child
26 protective investigator shall immediately notify the
27 appropriate law enforcement agency of the county in which the
28 known or suspected child abuse, abandonment, or neglect is
29 believed to have occurred. Upon receipt of a report, the law
30 enforcement agency must review the report and determine
31 whether a criminal investigation of the case is warranted and,

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1 if so, shall conduct the criminal investigation that shall be
2 coordinated, whenever possible, with the child protective
3 investigation of the department or its agent.

4 (3) The department shall maintain a master file for
5 each child whose report is accepted by the central abuse
6 hotline for investigation. Such file must contain information
7 concerning all reports received concerning that child. The
8 file must be made available to any department staff, agent of
9 the department, or contract provider given responsibility for
10 conducting a protective investigation.

11 (4) To the extent practical, all protective
12 investigations involving a child shall be conducted or the
13 work supervised by a single individual in order for there to
14 be broad knowledge and understanding of the child's history.
15 When a new investigator is assigned to investigate a second
16 and subsequent report involving a child, a multidisciplinary
17 staffing shall be conducted which includes new and prior
18 investigators, their supervisors, and appropriate private
19 providers in order to ensure that, to the extent possible,
20 there is coordination among all parties. The department shall
21 establish an internal operating procedure that ensures that
22 all required investigatory activities, including a review of
23 the child's complete investigative and protective services
24 history, are completed by the investigator, reviewed by the
25 supervisor in a timely manner, and signed and dated by both
26 the investigator and the supervisor.

27 (5)(2)(a) Upon commencing an investigation under this
28 part, the child protective investigator shall inform any
29 subject of the investigation of the following:

30 1. The names of the investigators and identifying
31 credentials from the department.

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- 1 2. The purpose of the investigation.
- 2 3. The right to obtain his or her own attorney and
- 3 ways that the information provided by the subject may be used.
- 4 4. The possible outcomes and services of the
- 5 department's response shall be explained to the caregiver.
- 6 5. The right of the parent, legal custodian, or
- 7 caregiver to be involved to the fullest extent possible in
- 8 determining the nature of the allegation and the nature of any
- 9 identified problem.
- 10 (b) The department's training program shall ensure
- 11 that protective investigators know how to fully inform
- 12 parents, guardians, and caregivers of their rights and
- 13 options, including opportunities for audio or video recording
- 14 of investigators' interviews with parents, guardians,
- 15 caretakers, or children.
- 16 ~~(6)(3)~~ An assessment of risk and the perceived needs
- 17 for the child and family shall be conducted in a manner that
- 18 is sensitive to the social, economic, and cultural environment
- 19 of the family. This assessment must include a face-to-face
- 20 interview with the child, other siblings, parents, and other
- 21 adults in the household and an onsite assessment of the
- 22 child's residence.
- 23 ~~(7)(4)~~ Protective investigations shall be performed by
- 24 the department or its agent.
- 25 ~~(8)(5)~~ The person responsible for the investigation
- 26 shall make a preliminary determination as to whether the
- 27 report or complaint is complete, consulting with the attorney
- 28 for the department when necessary. In any case in which the
- 29 person responsible for the investigation finds that the report
- 30 or complaint is incomplete, he or she shall return it without
- 31 delay to the person or agency originating the report or

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1 complaint or having knowledge of the facts, or to the
2 appropriate law enforcement agency having investigative
3 jurisdiction, and request additional information in order to
4 complete the report or complaint; however, the confidentiality
5 of any report filed in accordance with this chapter shall not
6 be violated.

7 (a) If it is determined that the report or complaint
8 is complete, after determining that such action would be in
9 the best interests of the child, the attorney for the
10 department shall file a petition for dependency.

11 (b) If it is determined that the report or complaint
12 is complete, but the interests of the child and the public
13 will be best served by providing the child care or other
14 treatment voluntarily accepted by the child and the parents,
15 caregivers, or legal custodians, the protective investigator
16 may refer the child for such care or other treatment.

17 (c) If the person conducting the investigation refuses
18 to request the attorney for the department to file a petition
19 for dependency, the complainant shall be advised of the right
20 to file a petition pursuant to this part.

21 (9)(6) For each report it receives, the department
22 shall perform an onsite child protective investigation that
23 includes a face-to-face interview with the child, other
24 siblings, parents, and other adults in the household and an
25 onsite assessment of the child's residence in order to:

26 (a) Determine the composition of the family or
27 household, including the name, address, date of birth, social
28 security number, sex, and race of each child named in the
29 report; any siblings or other children in the same household
30 or in the care of the same adults; the parents, legal
31 custodians, or caregivers; and any other adults in the same

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1 household.

2 (b) Determine whether there is indication that any
3 child in the family or household has been abused, abandoned,
4 or neglected; the nature and extent of present or prior
5 injuries, abuse, or neglect, and any evidence thereof; and a
6 determination as to the person or persons apparently
7 responsible for the abuse, abandonment, or neglect, including
8 the name, address, date of birth, social security number, sex,
9 and race of each such person.

10 (c) Determine the immediate and long-term risk to each
11 child by conducting state and federal records checks,
12 including, when feasible, the records of the Department of
13 Corrections, on the parents, legal custodians, or caregivers,
14 and any other persons in the same household. This information
15 shall be used solely for purposes supporting the detection,
16 apprehension, prosecution, pretrial release, posttrial
17 release, or rehabilitation of criminal offenders or persons
18 accused of the crimes of child abuse, abandonment, or neglect
19 and shall not be further disseminated or used for any other
20 purpose. The department's child protection investigators are
21 hereby designated a criminal justice agency for the purpose of
22 accessing criminal justice information to be used for
23 enforcing this state's laws concerning the crimes of child
24 abuse, abandonment, and neglect.

25 (d) Determine the immediate and long-term risk to each
26 child through utilization of standardized risk assessment
27 instruments.

28 (e) Based on the information obtained from the
29 caregiver, complete the risk assessment instrument within 48
30 hours after the initial contact and, if needed, develop a case
31 plan.

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1 (f) Determine the protective, treatment, and
2 ameliorative services necessary to safeguard and ensure the
3 child's safety and well-being and development, and cause the
4 delivery of those services through the early intervention of
5 the department or its agent.

6 (10)(7) If the department or its agent is denied
7 reasonable access to a child by the parents, legal custodians,
8 or caregivers and the department deems that the best interests
9 of the child so require, it shall seek an appropriate court
10 order or other legal authority prior to examining and
11 interviewing the child.

12 (11) Onsite visits and face-to-face interviews with
13 the child or family shall be unannounced unless it is
14 determined by the department or its agent or contract provider
15 that such unannounced visit would threaten the safety of the
16 child.

17 (12)(a)(8) If the department or its agent determines
18 that a child requires immediate or long-term protection
19 through:

20 1.(a) Medical or other health care;

21 2.(b) Homemaker care, day care, protective
22 supervision, or other services to stabilize the home
23 environment, including intensive family preservation services
24 through the Family Builders Program, the Intensive Crisis
25 Counseling Program, or both; or

26 3.(c) Foster care, shelter care, or other substitute
27 care to remove the child from the custody of the parents,
28 legal guardians, or caregivers,

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30 such services shall first be offered for voluntary acceptance
31 unless there are high-risk factors that may impact the ability

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1 of the parents, legal guardians, or caregivers to exercise
2 judgment. Such factors may include the parents', legal
3 guardians', or caregivers' young age or history of substance
4 abuse or domestic violence.

5 (b) The parents, legal custodians, or caregivers shall
6 be informed of the right to refuse services, as well as the
7 responsibility of the department to protect the child
8 regardless of the acceptance or refusal of services. If the
9 services are refused and the department deems that the child's
10 need for protection so requires, the department shall take the
11 child into protective custody or petition the court as
12 provided in this chapter.

13 (c) The department, in consultation with the
14 judiciary, shall adopt by rule criteria that are factors
15 requiring that the department take the child into custody,
16 petition the court as provided in this chapter, or, if the
17 child is not taken into custody or a petition is not filed
18 with the court, conduct an administrative review. If after an
19 administrative review the department determines not to take
20 the child into custody or petition the court, the department
21 shall document the reason for its decision in writing and
22 include it in the investigative file. For all cases that were
23 accepted by the local law enforcement agency pursuant to
24 subsection (2), the department must include in the file
25 written documentation that the administrative review included
26 input from law enforcement. In addition, for all cases that
27 must be referred to child protection teams pursuant to s.
28 39.303(2) and (3), the file must include written documentation
29 that the administrative review included the results of the
30 medical evaluation. Factors that must be included in the
31 development of the rule include noncompliance with the case

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1 plan developed by the department, or its agent, and the family
2 under this chapter and prior abuse reports with findings that
3 involve the child or caregiver.

4 (13)~~(9)~~ When a child is taken into custody pursuant to
5 this section, the authorized agent of the department shall
6 request that the child's parent, caregiver, or legal custodian
7 disclose the names, relationships, and addresses of all
8 parents and prospective parents and all next of kin, so far as
9 are known.

10 (14)~~(10)~~ No later than 30 days after receiving the
11 initial report, the local office of the department shall
12 complete its investigation.

13 (15)~~(11)~~ ~~Immediately upon receipt of a report~~
14 ~~alleging, or immediately~~ upon learning during the course of an
15 investigation, that:

16 (a) The immediate safety or well-being of a child is
17 endangered;

18 (b) The family is likely to flee;

19 (c) A child died as a result of abuse, abandonment, or
20 neglect;

21 (d) A child is a victim of aggravated child abuse as
22 defined in s. 827.03; or

23 (e) A child is a victim of sexual battery or of sexual
24 abuse,

25

26 the department shall orally notify the jurisdictionally
27 responsible state attorney, and county sheriff's office or
28 local police department, and, within 3 days ~~as soon as~~
29 ~~practicable~~, transmit the written report to those agencies.

30 The law enforcement agency shall review the report and
31 determine whether a criminal investigation needs to be

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1 conducted and shall assume lead responsibility for all
2 criminal fact-finding activities. A criminal investigation
3 shall be coordinated, whenever possible, with the child
4 protective investigation of the department. Any interested
5 person who has information regarding an offense described in
6 this subsection may forward a statement to the state attorney
7 as to whether prosecution is warranted and appropriate.

8 ~~(16)(12)~~ In a child protective investigation or a
9 criminal investigation, when the initial interview with the
10 child is conducted at school, the department or the law
11 enforcement agency may allow, notwithstanding the provisions
12 of s. 39.0132(4), a school instructional staff member who is
13 known by the child to be present during the initial interview
14 if:

15 (a) The department or law enforcement agency believes
16 that the school instructional staff member could enhance the
17 success of the interview by his or her presence; and

18 (b) The child requests or consents to the presence of
19 the school instructional staff member at the interview.

20
21 School instructional staff may only be present when authorized
22 by this subsection. Information received during the interview
23 or from any other source regarding the alleged abuse or
24 neglect of the child shall be confidential and exempt from the
25 provisions of s. 119.07(1), except as otherwise provided by
26 court order. A separate record of the investigation of the
27 abuse, abandonment, or neglect shall not be maintained by the
28 school or school instructional staff member. Violation of this
29 subsection constitutes a misdemeanor of the second degree,
30 punishable as provided in s. 775.082 or s. 775.083.

31 (17) When a law enforcement agency is participating in

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1 an investigation, the agency shall take photographs of the
2 child's living environment. Such photographs shall become part
3 of the investigative file.

4 (18)(13) Within 15 days after the completion of the
5 investigation of cases reported to him or her pursuant to this
6 section, the state attorney shall report his or her findings
7 to the department and shall include in such report a
8 determination of whether or not prosecution is justified and
9 appropriate in view of the circumstances of the specific case.

10 (19) In order to enhance the skills of individual
11 staff and to improve the district's overall child protection
12 system, the department's training program at the district
13 level must include periodic reviews of cases handled within
14 the district in order to identify weaknesses as well as
15 examples of effective interventions that occurred at each
16 point in the case.

17 Section 8. Subsection (1) of section 39.302, Florida
18 Statutes, 1998 Supplement, is amended to read:

19 39.302 Protective investigations of institutional
20 child abuse, abandonment, or neglect.--

21 (1) The department shall conduct a child protective
22 investigation of each report of institutional child abuse,
23 abandonment, or neglect. Upon receipt of a report which
24 alleges that an employee or agent of the department, or any
25 other entity or person covered by s. 39.01(32) or (47), acting
26 in an official capacity, has committed an act of child abuse,
27 abandonment, or neglect, the department shall immediately
28 initiate a child protective investigation and orally notify
29 the appropriate state attorney, law enforcement agency, and
30 licensing agency. These agencies shall immediately conduct a
31 joint investigation, unless independent investigations are

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1 more feasible. When conducting investigations onsite or having
2 face-to-face interviews with the child, such investigation
3 visits shall be unannounced unless it is determined by the
4 department or its agent that such unannounced visits would
5 threaten the safety of the child. When a facility is exempt
6 from licensing, the department shall inform the owner or
7 operator of the facility of the report. Each agency
8 conducting a joint investigation shall be entitled to full
9 access to the information gathered by the department in the
10 course of the investigation. A protective investigation must
11 include an onsite visit of the child's place of residence.In
12 all cases, the department shall make a full written report to
13 the state attorney within 3 days after making the oral report.
14 A criminal investigation shall be coordinated, whenever
15 possible, with the child protective investigation of the
16 department. Any interested person who has information
17 regarding the offenses described in this subsection may
18 forward a statement to the state attorney as to whether
19 prosecution is warranted and appropriate. Within 15 days after
20 the completion of the investigation, the state attorney shall
21 report the findings to the department and shall include in
22 such report a determination of whether or not prosecution is
23 justified and appropriate in view of the circumstances of the
24 specific case.

25 Section 9. Section 39.303, Florida Statutes, 1998
26 Supplement, is amended to read:

27 39.303 Child protection teams; services; eligible
28 cases.--The Division of Children's Medical Services of the
29 Department of Health shall develop, maintain, and coordinate
30 the services of one or more multidisciplinary child protection
31 teams in each of the service districts of the Department of

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1 Children and Family Services. Such teams may be composed of
2 appropriate representatives of school districts and
3 appropriate health, mental health, social service, legal
4 service, and law enforcement agencies. The Legislature finds
5 that optimal coordination of child protection teams and sexual
6 abuse treatment programs requires collaboration between the
7 Department of Health and the Department of Children and Family
8 Services. The two departments shall maintain an interagency
9 agreement that establishes protocols for oversight and
10 operations of child protection teams and sexual abuse
11 treatment programs. The Secretary of Health and the Deputy
12 Secretary for Children's Medical Services, in consultation
13 with the Secretary of Children and Family Services, shall
14 maintain the responsibility for the screening, employment,
15 and, if necessary, the termination of child protection team
16 medical directors, at headquarters and in the 15 districts.
17 Child protection team medical directors shall be responsible
18 for oversight of the teams in the districts.

19 (1) The Department of Health shall utilize and convene
20 the teams to supplement the assessment and protective
21 supervision activities of the family safety and preservation
22 program of the Department of Children and Family Services.
23 Nothing in this section shall be construed to remove or reduce
24 the duty and responsibility of any person to report pursuant
25 to this chapter all suspected or actual cases of child abuse,
26 abandonment, or neglect or sexual abuse of a child. The role
27 of the teams shall be to support activities of the program and
28 to provide services deemed by the teams to be necessary and
29 appropriate to abused, abandoned, and neglected children upon
30 referral. The specialized diagnostic assessment, evaluation,
31 coordination, consultation, and other supportive services that

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1 a child protection team shall be capable of providing include,
2 but are not limited to, the following:

3 (a) Medical diagnosis and evaluation services,
4 including provision or interpretation of X rays and laboratory
5 tests, and related services, as needed, and documentation of
6 findings relative thereto.

7 (b) Telephone consultation services in emergencies and
8 in other situations.

9 (c) Medical evaluation related to abuse, abandonment,
10 or neglect, as defined by policy or rule of the Department of
11 Health.

12 (d) Such psychological and psychiatric diagnosis and
13 evaluation services for the child or the child's parent or
14 parents, legal custodian or custodians, or other caregivers,
15 or any other individual involved in a child abuse,
16 abandonment, or neglect case, as the team may determine to be
17 needed.

18 (e) Expert medical, psychological, and related
19 professional testimony in court cases.

20 (f) Case staffings to develop treatment plans for
21 children whose cases have been referred to the team. A child
22 protection team may provide consultation with respect to a
23 child who is alleged or is shown to be abused, abandoned, or
24 neglected, which consultation shall be provided at the request
25 of a representative of the family safety and preservation
26 program or at the request of any other professional involved
27 with a child or the child's parent or parents, legal custodian
28 or custodians, or other caregivers. In every such child
29 protection team case staffing, consultation, or staff activity
30 involving a child, a family safety and preservation program
31 representative shall attend and participate.

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1 (g) Case service coordination and assistance,
2 including the location of services available from other public
3 and private agencies in the community.

4 (h) Such training services for program and other
5 employees of the Department of Children and Family Services,
6 employees of the Department of Health, and other medical
7 professionals as is deemed appropriate to enable them to
8 develop and maintain their professional skills and abilities
9 in handling child abuse, abandonment, and neglect cases.

10 (i) Educational and community awareness campaigns on
11 child abuse, abandonment, and neglect in an effort to enable
12 citizens more successfully to prevent, identify, and treat
13 child abuse, abandonment, and neglect in the community.

14 (2) The child abuse, abandonment, and neglect reports
15 ~~cases that must be referred are appropriate for referral~~ by
16 the Department of Children and Family Services family safety
17 ~~and preservation program~~ to child protection teams of the
18 Department of Health for medical evaluation and available
19 support services as set forth in subsection (1) must include,
20 ~~but are not limited to,~~ cases involving:

21 (a) Bruises, burns, or fractures in a child ~~under the~~
22 ~~age of 3 years or in a nonambulatory child~~ of any age.

23 ~~(b) Unexplained or implausibly explained bruises,~~
24 ~~burns, fractures, or other injuries in a child of any age.~~

25 ~~(b)(c)~~ Sexual abuse of a child in which vaginal or
26 anal penetration is alleged or in which other unlawful sexual
27 conduct has been determined to have occurred.

28 ~~(c)(d)~~ Venereal disease, or any other sexually
29 transmitted disease, in a prepubescent child.

30 ~~(d)(e)~~ Reported malnutrition of a child and failure of
31 a child to thrive.

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1 ~~(e)(f)~~ Reported medical, physical, or emotional
2 neglect of a child.

3 ~~(f)(g)~~ Any family in which one or more children have
4 been pronounced dead on arrival at a hospital or other health
5 care facility, or have been injured and later died, as a
6 result of suspected abuse, abandonment, or neglect, when any
7 sibling or other child remains in the home.

8 ~~(g)(h)~~ Symptoms of serious emotional problems in a
9 child when emotional or other abuse, abandonment, or neglect
10 is suspected.

11 ~~(h)~~ Injuries to a child's head.

12 ~~(3)~~ All abuse and neglect cases transmitted for
13 investigation to a district by the hotline must be
14 simultaneously transmitted to the Department of Health child
15 protection team for review. All cases transmitted to the child
16 protection team which meet the criteria in subsection (2) must
17 be timely reviewed by a board-certified pediatrician or
18 registered nurse practitioner under the supervision of such
19 pEDIatrician for the purpose of determining whether a
20 face-to-face medical evaluation by a child protection team is
21 necessary. Such face-to-face medical evaluation is not
22 necessary only if it is determined that the child was examined
23 by a physician for the alleged abuse or neglect, and a
24 consultation between the child protection team board-certified
25 pEDIatrician or nurse practitioner and the examining physician
26 concludes that a further medical evaluation is unnecessary.

27 ~~(4)(3)~~ In all instances in which a child protection
28 team is providing certain services to abused, abandoned, or
29 neglected children, other offices and units of the Department
30 of Health, and offices and units of the Department of Children
31 and Family Services, shall avoid duplicating the provision of

1 those services.

2 Section 10. Subsection (1) of section 39.304, Florida
3 Statutes, 1998 Supplement, is amended to read:

4 39.304 Photographs, medical examinations, X rays, and
5 medical treatment of abused, abandoned, or neglected child.--

6 (1)(a) Any person required to investigate cases of
7 suspected child abuse, abandonment, or neglect may take or
8 cause to be taken photographs of the areas of trauma visible
9 on a child who is the subject of a report. Any child
10 protection team that examines a child who is the subject of a
11 report must take, or cause to be taken, photographs of any
12 areas of trauma visible on the child. Such photographs, or
13 duplicates thereof, shall be provided to the department for
14 inclusion in the investigative file and shall become part of
15 that file.

16 (b) If the areas of trauma visible on a child indicate
17 a need for a medical examination, or if the child verbally
18 complains or otherwise exhibits distress as a result of injury
19 through suspected child abuse, abandonment, or neglect, or is
20 alleged to have been sexually abused, the person required to
21 investigate may cause the child to be referred for diagnosis
22 to a licensed physician or an emergency department in a
23 hospital without the consent of the child's parents,
24 caregiver, or legal custodian. Such examination may be
25 performed by an advanced registered nurse practitioner
26 licensed pursuant to chapter 464. Any licensed physician, or
27 advanced registered nurse practitioner licensed pursuant to
28 chapter 464, who has reasonable cause to suspect that an
29 injury was the result of child abuse, abandonment, or neglect
30 may authorize a radiological examination to be performed on
31 the child without the consent of the child's parent,

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1 caregiver, or legal custodian.

2 Section 11. Section 39.306, Florida Statutes, 1998
3 Supplement, is amended to read:

4 39.306 Child protective investigations; working
5 agreements with local law enforcement.--The department shall
6 enter into agreements with the jurisdictionally responsible
7 county sheriffs' offices and local police departments that
8 will assume the lead in conducting any potential criminal
9 investigations arising from allegations of child abuse,
10 abandonment, or neglect. The written agreement must specify
11 how the requirements of this chapter will be met. For the
12 purposes of such agreement, the jurisdictionally responsible
13 law enforcement entity is authorized to share Florida criminal
14 history and local criminal history information that is not
15 otherwise exempt from s. 119.07(1) with the district
16 personnel, authorized agent, or contract provider directly
17 responsible for the child protective investigation and
18 emergency child placement. The agencies entering into such
19 agreement must comply with s. 943.0525. Criminal justice
20 information provided by such law enforcement entity shall be
21 used only for the purposes specified in the agreement and
22 shall be provided at no charge. Notwithstanding any other
23 provision of law, the Department of Law Enforcement shall
24 provide to the department electronic access to Florida
25 criminal justice information which is lawfully available and
26 not exempt from s. 119.07(1), only for the purpose of child
27 protective investigations and emergency child placement. As a
28 condition of access to such information, the department shall
29 be required to execute an appropriate user agreement
30 addressing the access, use, dissemination, and destruction of
31 such information and to comply with all applicable laws and

1 regulations, and rules of the Department of Law Enforcement.

2 Section 12. Subsection (8) of section 39.402, Florida
3 Statutes, 1998 Supplement, is amended to read:

4 39.402 Placement in a shelter.--

5 (8)(a) A child may not be held in a shelter longer
6 than 24 hours unless an order so directing is entered by the
7 court after a shelter hearing. In the interval until the
8 shelter hearing is held, the decision to place the child in a
9 shelter or release the child from a shelter lies with the
10 protective investigator.

11 (b) The parents or legal custodians of the child shall
12 be given such notice as best ensures their actual knowledge of
13 the time and place of the shelter hearing. The failure to
14 provide notice to a party or participant does not invalidate
15 an order placing a child in a shelter if the court finds that
16 the petitioner has made a good faith effort to provide such
17 notice. The court shall require the parents or legal
18 custodians present at the hearing to provide to the court on
19 the record the names, addresses, and relationships of all
20 parents, prospective parents, and next of kin of the child, so
21 far as are known.

22 (c) At the shelter hearing, the court shall:

23 1. Appoint a guardian ad litem to represent the child,
24 unless the court finds that such representation is
25 unnecessary;

26 2. Inform the parents or legal custodians of their
27 right to counsel to represent them at the shelter hearing and
28 at each subsequent hearing or proceeding, and the right of the
29 parents to appointed counsel, pursuant to the procedures set
30 forth in s. 39.013; and

31 3. Give the parents or legal custodians an opportunity

1 to be heard and to present evidence.

2 (d) At the shelter hearing, in order to continue the
3 child in shelter care:

4 1. The department must establish probable cause that
5 reasonable grounds for removal exist and that the provision of
6 appropriate and available services will not eliminate the need
7 for placement; or-

8 2. The court must determine that additional time is
9 necessary, which may not exceed 72 hours, in which to obtain
10 and review documents pertaining to the family in order to
11 appropriately determine the risk to the child during which
12 time the child shall remain in the department's custody, if so
13 ordered by the court.

14 (e) At the shelter hearing, the department shall
15 provide the court copies of any available law enforcement,
16 medical, or other professional reports, and shall also provide
17 copies of abuse hotline reports pursuant to state and federal
18 confidentiality requirements.

19 (f) At the shelter hearing, the department shall
20 inform the court of:

21 1. Any current or previous case plans negotiated in
22 any district with the parents or caregivers under this chapter
23 and problems associated with compliance;

24 2. Any adjudication of the parents or caregivers of
25 delinquency;

26 3. Any past or current injunction for protection from
27 domestic violence; and

28 4. All of the child's places of residence during the
29 prior 12 months.

30 (g)~~(e)~~ At the shelter hearing, each party shall
31 provide to the court a permanent mailing address. The court

1 shall advise each party that this address will be used by the
2 court and the petitioner for notice purposes unless and until
3 the party notifies the court and the petitioner in writing of
4 a new mailing address.

5 (h)~~(f)~~ The order for placement of a child in shelter
6 care must identify the parties present at the hearing and must
7 contain written findings:

8 1. That placement in shelter care is necessary based
9 on the criteria in subsections (1) and (2).

10 2. That placement in shelter care is in the best
11 interest of the child.

12 3. That continuation of the child in the home is
13 contrary to the welfare of the child because the home
14 situation presents a substantial and immediate danger to the
15 child's physical, mental, or emotional health or safety which
16 cannot be mitigated by the provision of preventive services.

17 4. That based upon the allegations of the petition for
18 placement in shelter care, there is probable cause to believe
19 that the child is dependent or that the court needs additional
20 time, which may not exceed 72 hours, in which to obtain and
21 review documents pertaining to the family in order to
22 appropriately determine the risk to the child.

23 5. That the department has made reasonable efforts to
24 prevent or eliminate the need for removal of the child from
25 the home. A finding of reasonable effort by the department to
26 prevent or eliminate the need for removal may be made and the
27 department is deemed to have made reasonable efforts to
28 prevent or eliminate the need for removal if:

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

31 b. The appraisal of the home situation by the

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1 department indicates that the home situation presents a
2 substantial and immediate danger to the child's physical,
3 mental, or emotional health or safety which cannot be
4 mitigated by the provision of preventive services.

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

10 6. That the court notified the parents or legal
11 custodians of the subsequent dependency proceedings, including
12 scheduled hearings, and of the importance of the active
13 participation of the parents or legal custodians in those
14 subsequent proceedings and hearings.

15 7. That the court notified the parents or legal
16 custodians of their right to counsel to represent them at the
17 shelter hearing and at each subsequent hearing or proceeding,
18 and the right of the parents to appointed counsel, pursuant to
19 the procedures set forth in s. 39.013.

20 Section 13. Section 383.402, Florida Statutes, is
21 created to read:

22 383.402 Child abuse death review; State Child Abuse
23 Death Review Committee; local child abuse death review
24 committees.--

25 (1) It is the intent of the Legislature to establish a
26 statewide multidisciplinary, multiagency child abuse death
27 assessment and prevention system that consists of state and
28 local review committees. The state and local review committees
29 shall review the facts and circumstances of all deaths of
30 children from birth through age 18 which occur in this state
31 as the result of child abuse or neglect and for whom at least

1 one report of abuse or neglect was accepted by the central
2 abuse hotline within the Department of Children and Family
3 Services. The purpose of the review shall be to:

4 (a) Achieve a greater understanding of the causes and
5 contributing factors of deaths resulting from child abuse.

6 (b) Whenever possible, develop a communitywide
7 approach to address such cases and contributing factors.

8 (c) Identify any gaps, deficiencies, or problems in
9 the delivery of services to children and their families by
10 public and private agencies which may be related to deaths
11 that are the result of child abuse.

12 (d) Make and implement recommendations for changes in
13 law, rules, and policies, as well as develop practice
14 standards that support the safe and healthy development of
15 children and reduce preventable child abuse deaths.

16 (2)(a) The State Child Abuse Death Review Committee is
17 established within the Department of Health and shall consist
18 of a representative of the Department of Health, appointed by
19 the Secretary of Health, who shall serve as the state
20 committee coordinator. The head of each of the following
21 agencies or organizations shall also appoint a representative
22 to the state committee:

- 23 1. The Department of Legal Affairs.
- 24 2. The Department of Children and Family Services.
- 25 3. The Department of Law Enforcement.
- 26 4. The Department of Education.
- 27 5. The Florida Prosecuting Attorneys Association, Inc.
- 28 6. The Florida Medical Examiners Commission, whose
29 representative must be a forensic pathologist.

30 (b) In addition, the Secretary of Health shall appoint
31 the following members to the state committee, based on

1 recommendations from the Department of Health and the agencies
2 listed in paragraph (a), and ensuring that the committee
3 represents the regional, gender, and ethnic diversity of the
4 state to the greatest extent possible:
5 1. A board-certified pediatrician.
6 2. A public health nurse.
7 3. A mental health professional who treats children or
8 adolescents.
9 4. An employee of the Department of Children and
10 Family Services who supervises family services counselors and
11 who has at least 5 years of experience in child protective
12 investigations.
13 5. The medical director of a child protection team.
14 6. A member of a child advocacy organization.
15 7. A social worker who has experience in working with
16 victims and perpetrators of child abuse.
17 8. A person trained as a paraprofessional in patient
18 resources who is employed in a child abuse prevention program.
19 9. A law enforcement officer who has at least 5 years
20 of experience in children's issues.
21 10. A representative of the Florida Coalition Against
22 Domestic Violence.
23 11. A representative from a private provider of
24 programs on preventing child abuse and neglect.
25 (3) The State Child Abuse Death Review Committee
26 shall:
27 (a) Develop a system for collecting data on deaths
28 that are the result of child abuse. The system must include a
29 protocol for the uniform collection of data statewide, which
30 uses existing data-collection systems to the greatest extent
31 possible.

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1 (b) Provide training to cooperating agencies,
2 individuals, and local child abuse death review committees on
3 the use of the child abuse death data system.

4 (c) Prepare an annual statistical report on the
5 incidence and causes of death resulting from child abuse in
6 the state during the prior calendar year. The state committee
7 shall submit a copy of the report by September 30 of each year
8 to the Governor, the President of the Senate, and the Speaker
9 of the House of Representatives, with the first annual report
10 due on September 30, 2000. The report must include
11 recommendations for state and local action, including specific
12 policy, procedural, regulatory, or statutory changes, and any
13 other recommended preventive action.

14 (d) Encourage and assist in developing the local child
15 abuse death review committees.

16 (e) Develop guidelines, standards, and protocols,
17 including a protocol for data collection, for local child
18 abuse death review committees, and provide training and
19 technical assistance to local committees.

20 (f) Develop guidelines for reviewing deaths that are
21 the result of child abuse, including guidelines to be used by
22 law enforcement agencies, prosecutors, medical examiners,
23 health care practitioners, health care facilities, and social
24 service agencies.

25 (g) Study the adequacy of laws, rules, training, and
26 services to determine what changes are needed to decrease the
27 incidence of child abuse deaths and develop strategies and
28 recruit partners to implement these changes.

29 (h) Provide consultation on individual cases to local
30 committees upon request.

31 (i) Educate the public regarding the Kayla McKean

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1 Child Protection Act, the incidence and causes of child abuse
2 death, and ways by which such deaths may be prevented.

3 (j) Promote continuing education for professionals who
4 investigate, treat, and prevent child abuse or neglect.

5 (k) Recommend, when appropriate, the review of the
6 death certificate of a child who died as a result of abuse or
7 neglect.

8 (4) The members of the state committee shall be
9 appointed to staggered terms of office which may not exceed 2
10 years, as determined by the Secretary of Health. Members are
11 eligible for reappointment. The state committee shall elect a
12 chairperson from among its members to serve for a 2-year term,
13 and the chairperson may appoint ad hoc committees as necessary
14 to carry out the duties of the committee.

15 (5) Members of the state committee shall serve without
16 compensation but are entitled to reimbursement for per diem
17 and travel expenses incurred in the performance of their
18 duties as provided in s. 112.061 and to the extent that funds
19 are available.

20 (6) At the direction of the Secretary of Health, the
21 director of each county health department, or the directors of
22 two or more county health departments by agreement, may
23 convene and support a county or multicounty child abuse death
24 review committee in accordance with the protocols established
25 by the State Child Abuse Death Review Committee. Each local
26 committee must include a local state attorney, or his or her
27 designee, and any other members that are determined by
28 guidelines developed by the State Child Abuse Death Review
29 Committee. The members of a local committee shall be appointed
30 to 2-year terms and may be reappointed. The local committee
31 shall elect a chairperson from among its members. Members

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1 shall serve without compensation but are entitled to
2 reimbursement for per diem and travel expenses incurred in the
3 performance of their duties as provided in s. 112.061 and to
4 the extent that funds are available.

5 (7) Each local child abuse death review committee
6 shall:

7 (a) Review all deaths resulting from child abuse which
8 are reported to the Office of Vital Statistics.

9 (b) Assist the state committee in collecting data on
10 deaths that are the result of child abuse, in accordance with
11 the protocol established by the state committee.

12 (c) Submit written reports at the direction of the
13 state committee. The reports must include nonidentifying
14 information on individual cases and the steps taken by the
15 local committee and private and public agencies to implement
16 necessary changes and improve the coordination of services and
17 reviews.

18 (d) Submit all records requested by the state
19 committee at the conclusion of its review of a death resulting
20 from child abuse.

21 (e) Abide by the standards and protocols developed by
22 the state committee.

23 (f) On a case-by-case basis, request that the state
24 committee review the data of a particular case.

25 (8) Notwithstanding any other law, the chairperson of
26 the State Child Abuse Death Review Committee, or the
27 chairperson of a local committee, shall be provided with
28 access to any information or records that pertain to a child
29 whose death is being reviewed by the committee and that are
30 necessary for the committee to carry out its duties, including
31 information or records that pertain to the child's family, as

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1 follows:

2 (a) Patient records in the possession of a public or
3 private provider of medical, dental, or mental health care,
4 including, but not limited to, a facility licensed under
5 chapter 393, chapter 394, or chapter 395, or a health care
6 practitioner as defined in s. 455.501. Providers may charge a
7 fee for copies not to exceed 50 cents per page for paper
8 records and \$1 per fiche for microfiche records.

9 (b) Information or records of any state agency or
10 political subdivision which might assist a committee in
11 reviewing a child's death, including, but not limited to,
12 information or records of the Department of Children and
13 Family Services, the Department of Health, the Department of
14 Education, or the Department of Juvenile Justice.

15 (9) The State Child Abuse Death Review Committee or a
16 local committee shall have access to all information of a law
17 enforcement agency which is not the subject of an active
18 investigation and which pertains to the review of the death of
19 a child. A committee may not disclose any information that is
20 not subject to public disclosure by the law enforcement
21 agency, and active criminal intelligence information or
22 criminal investigative information, as defined in s.
23 119.011(3), may not be made available for review or access
24 under this section.

25 (10) The state committee and any local committee may
26 share any relevant information that pertains to the review of
27 the death of a child.

28 (11) A member of the state committee or a local
29 committee may not contact, interview, or obtain information by
30 request or subpoena directly from a member of a deceased
31 child's family as part of a committee's review of a child

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1 abuse death, except that if a committee member is also a
2 public officer or state employee, that member may contact,
3 interview, or obtain information from a member of the deceased
4 child's family, if necessary, as part of the committee's
5 review. A member of the deceased child's family may
6 voluntarily provide records or information to the state
7 committee or a local committee.

8 (12) The chairperson of the State Child Abuse Death
9 Review Committee may require the production of records by
10 requesting a subpoena, through the Department of Legal
11 Affairs, in any county of the state. Such subpoena is
12 effective throughout the state and may be served by any
13 sheriff. Failure to obey the subpoena is punishable as
14 provided by law.

15 (13) This section does not authorize the members of
16 the state committee or any local committee to have access to
17 any grand jury proceedings.

18 (14) A person who has attended a meeting of the state
19 committee or a local committee or who has otherwise
20 participated in activities authorized by this section may not
21 be permitted or required to testify in any civil, criminal, or
22 administrative proceeding as to any records or information
23 produced or presented to a committee during meetings or other
24 activities authorized by this section. However, this
25 subsection does not prevent any person who testifies before
26 the committee or who is a member of the committee from
27 testifying as to matters otherwise within his or her
28 knowledge. An organization, institution, committee member, or
29 other person who furnishes information, data, reports, or
30 records to the state committee or a local committee is not
31 liable for damages to any person and is not subject to any

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1 other civil or criminal or administrative recourse. This
2 subsection does not apply to any person who admits to
3 committing a crime.

4 (15) The Department of Health shall administer the
5 funds appropriated to operate the review committees and may
6 apply for grants and accept donations.

7 (16) To the extent that funds are available, the
8 Department of Health may hire staff or consultants to assist a
9 review committee in performing its duties. Funds may also be
10 used to reimburse reasonable expenses of the staff and
11 consultants for the state committee and the local committees.

12 (17) For the purpose of carrying out the
13 responsibilities assigned to the State Child Abuse Death
14 Review Committee and the local review committees, the
15 Secretary of Health may substitute an existing entity whose
16 function and organization include the function and
17 organization of the committees established by this section.

18 (18) Each district administrator of the Department of
19 Children and Family Services must appoint a child abuse death
20 review coordinator for the district. The coordinator must have
21 knowledge and expertise in the area of child abuse and
22 neglect. The coordinator's general responsibilities include:

23 (a) Coordinating with the local child abuse death
24 review committee.

25 (b) Ensuring the appropriate implementation of the
26 child abuse death review process and all district activities
27 related to the review of child abuse deaths.

28 (c) Working with the committee to ensure that the
29 reviews are thorough and that all issues are appropriately
30 addressed.

31 (d) Maintaining a system of logging child abuse deaths

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1 covered by this procedure and tracking cases during the child
2 abuse death review process.

3 (e) Conducting or arranging for a Florida Abuse
4 Hotline Information System (FAHIS) record check on all child
5 abuse deaths covered by this procedure to determine whether
6 there were any prior reports concerning the child or
7 concerning any siblings, other children, or adults in the
8 home.

9 (f) Coordinating child abuse death review activities,
10 as needed, with individuals in the community and the
11 Department of Health.

12 (g) Notifying the district administrator, the
13 Secretary of Children and Family Services, and the Deputy
14 Secretary of Children's Medical Services Assistant Health
15 Officer of all child abuse deaths meeting criteria for review
16 as specified in this section within 1 working day after
17 learning of the child's death.

18 (h) Ensuring that all critical issues identified by
19 the local child abuse death review committee are brought to
20 the attention of the district administrator and the Secretary
21 of Children and Family Services.

22 (i) Providing technical assistance to the local child
23 abuse death review committee during the review of any child
24 abuse death.

25 Section 14. Present subsections (3), (4), (5), and (6)
26 of section 409.1671, Florida Statutes, 1998 Supplement, are
27 redesignated as subsections (4), (5), (6), and (7),
28 respectively, and a new subsection (3) is added to that
29 section, to read:

30 409.1671 Foster care and related services;
31 privatization.--

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1 (3)(a) In order to help ensure a seamless child
2 protection system, the department shall ensure that contracts
3 entered into with community-based agencies pursuant to this
4 section include provisions for a case-transfer process to
5 determine the date that the community-based agency will
6 initiate the appropriate services for a child and family. This
7 case-transfer process must clearly identify the closure of the
8 protective investigation and the initiation of service
9 provision. At the point of case transfer, the department must
10 provide a complete summary of the findings of the
11 investigation to the community-based agency.

12 (b) The contracts must also ensure that each
13 community-based agency shall furnish regular status reports of
14 its cases to the department as specified in the contract. A
15 provider may not discontinue services without prior written
16 notification to the department. After discontinuing services
17 to a child or a child and family, the community-based agency
18 must provide a written case summary, including its assessment
19 of the child and family, to the department.

20 (c) The annual contract between the department and
21 community-based agencies must include provisions that specify
22 the procedures to be used by the parties to resolve
23 differences in interpreting the contract or to resolve
24 disputes as to the adequacy of the parties' compliance with
25 their respective obligations under the contract.

26 Section 15. Section 777.03, Florida Statutes, as
27 amended by section 16 of chapter 97-194, Laws of Florida, is
28 amended to read:

29 777.03 Accessory after the fact.--

30 (1)(a) Any person not standing in the relation of
31 husband or wife, parent or grandparent, child or grandchild,

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1 brother or sister, by consanguinity or affinity to the
2 offender, who maintains or assists the principal or accessory
3 before the fact, or gives the offender any other aid, knowing
4 that the offender had committed a felony or been accessory
5 thereto before the fact, with intent that the offender avoids
6 or escapes detection, arrest, trial or punishment, is an
7 accessory after the fact.

8 (b) Any person, regardless of the relation to the
9 offender, who maintains or assists the principal or accessory
10 before the fact, or gives the offender any other aid, knowing
11 that the offender had committed the offense of child abuse,
12 neglect of a child, aggravated child abuse, aggravated
13 manslaughter of a child under 18 years of age, or murder of a
14 child under 18 years of age, or had been accessory thereto
15 before the fact, with the intent that the offender avoids or
16 escapes detection, arrest, trial, or punishment, is an
17 accessory after the fact unless the court finds that the
18 person is a victim of domestic violence.

19 (2)(a) If the felony offense committed is a capital
20 felony, the offense of accessory after the fact is a felony of
21 the first degree, punishable as provided in s. 775.082, s.
22 775.083, or s. 775.084.

23 (b) If the felony offense committed is a life felony
24 or a felony of the first degree, the offense of accessory
25 after the fact is a felony of the second degree, punishable as
26 provided in s. 775.082, s. 775.083, or s. 775.084.

27 (c) If the felony offense committed is a felony of the
28 second degree or a felony of the third degree ranked in level
29 3, 4, 5, 6, 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,
30 the offense of accessory after the fact is a felony of the
31 third degree, punishable as provided in s. 775.082, s.

1 775.083, or s. 775.084.

2 (d) If the felony offense committed is a felony of the
3 third degree ranked in level 1 or level 2 under s. 921.0022 or
4 s. 921.0023, the offense of accessory after the fact is a
5 misdemeanor of the first degree, punishable as provided in s.
6 775.082, s. 775.083, or s. 775.084.

7 (3) Except as otherwise provided in s. 921.0022, for
8 purposes of sentencing under chapter 921 and determining
9 incentive gain-time eligibility under chapter 944, the offense
10 of accessory after the fact is ranked two levels below the
11 ranking under s. 921.0022 or s. 921.0023 of the felony offense
12 committed.

13 Section 16. Subsection (2) of section 827.03, Florida
14 Statutes, is amended to read:

15 827.03 Abuse, aggravated abuse, and neglect of a
16 child; penalties.--

17 (2) "Aggravated child abuse" occurs when a person:

18 (a) Commits aggravated battery on a child;

19 (b) Willfully tortures, maliciously punishes, or
20 willfully and unlawfully cages a child; or

21 (c) Knowingly or willfully abuses a child and in so
22 doing causes great bodily harm, permanent disability, or
23 permanent disfigurement to the child.

24
25 A person who commits aggravated child abuse commits a felony
26 of the first ~~second~~ degree, punishable as provided in s.
27 775.082, s. 775.083, or s. 775.084.

28 Section 17. Paragraphs (h), (i), and (j) of subsection
29 (3) of section 921.0022, Florida Statutes, 1998 Supplement,
30 are amended to read:

31 921.0022 Criminal Punishment Code; offense severity

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1 ranking chart.--

2 (3) OFFENSE SEVERITY RANKING CHART

3

4 Florida Felony

5 Statute Degree Description

6

7

8 (h) LEVEL 8

9 316.193

10 (3)(c)3.a. 2nd DUI manslaughter.

11 327.35(3)(c)3. 2nd Vessel BUI manslaughter.

12 777.03(2)(a) 1st Accessory after the fact, capital
13 felony.

14 782.04(4) 2nd Killing of human without design
15 when engaged in act or attempt of
16 any felony other than arson,
17 sexual battery, robbery,
18 burglary, kidnapping, aircraft
19 piracy, or unlawfully discharging
20 bomb.

21 782.051(2) 1st Attempted felony murder while
22 perpetrating or attempting to
23 perpetrate a felony not
24 enumerated in s. 782.04(3).

25 782.071(2) 2nd Committing vehicular homicide and
26 failing to render aid or give
27 information.

28 782.072(2) 2nd Committing vessel homicide and
29 failing to render aid or give
30 information.

31

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1	790.161(3)	1st	Discharging a destructive device
2			which results in bodily harm or
3			property damage.
4	794.011(5)	2nd	Sexual battery, victim 12 years
5			or over, offender does not use
6			physical force likely to cause
7			serious injury.
8	806.01(1)	1st	Maliciously damage dwelling or
9			structure by fire or explosive,
10			believing person in structure.
11	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
12	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
13			or dangerous weapon.
14	810.02(2)(c)	1st	Burglary of a dwelling or
15			structure causing structural
16			damage or \$1,000 or more property
17			damage.
18	812.13(2)(b)	1st	Robbery with a weapon.
19	812.135(2)	1st	Home-invasion robbery.
20	825.102(2)	2nd	Aggravated abuse of an elderly
21			person or disabled adult.
22	825.103(2)(a)	1st	Exploiting an elderly person or
23			disabled adult and property is
24			valued at \$100,000 or more.
25	827.03(2)	2nd	Aggravated child abuse.
26	837.02(2)	2nd	Perjury in official proceedings
27			relating to prosecution of a
28			capital felony.
29	837.021(2)	2nd	Making contradictory statements
30			in official proceedings relating
31			to prosecution of a capital

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1			felony.
2	860.121(2)(c)	1st	Shooting at or throwing any
3			object in path of railroad
4			vehicle resulting in great bodily
5			harm.
6	860.16	1st	Aircraft piracy.
7	893.13(1)(b)	1st	Sell or deliver in excess of 10
8			grams of any substance specified
9			in s. 893.03(1)(a) or (b).
10	893.13(2)(b)	1st	Purchase in excess of 10 grams of
11			any substance specified in s.
12			893.03(1)(a) or (b).
13	893.13(6)(c)	1st	Possess in excess of 10 grams of
14			any substance specified in s.
15			893.03(1)(a) or (b).
16	893.135(1)(a)2.	1st	Trafficking in cannabis, more
17			than 2,000 lbs., less than 10,000
18			lbs.
19	893.135		
20	(1)(b)1.b.	1st	Trafficking in cocaine, more than
21			200 grams, less than 400 grams.
22	893.135		
23	(1)(c)1.b.	1st	Trafficking in illegal drugs,
24			more than 14 grams, less than 28
25			grams.
26	893.135		
27	(1)(d)1.b.	1st	Trafficking in phencyclidine,
28			more than 200 grams, less than
29			400 grams.
30	893.135		
31	(1)(e)1.b.	1st	Trafficking in methaqualone, more

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1			than 5 kilograms, less than 25
2			kilograms.
3	893.135		
4	(1)(f)1.b.	1st	Trafficking in amphetamine, more
5			than 28 grams, less than 200
6			grams.
7	893.135		
8	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
9			grams or more, less than 28
10			grams.
11	895.03(1)	1st	Use or invest proceeds derived
12			from pattern of racketeering
13			activity.
14	895.03(2)	1st	Acquire or maintain through
15			racketeering activity any
16			interest in or control of any
17			enterprise or real property.
18	895.03(3)	1st	Conduct or participate in any
19			enterprise through pattern of
20			racketeering activity.
21			(i) LEVEL 9
22	316.193		
23	(3)(c)3.b.	1st	DUI manslaughter; failing to
24			render aid or give information.
25	782.04(1)	1st	Attempt, conspire, or solicit to
26			commit premeditated murder.
27	782.04(3)	1st,PBL	Accomplice to murder in
28			connection with arson, sexual
29			battery, robbery, burglary, and
30			other specified felonies.
31			

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1	782.051(1)	1st	Attempted felony murder while
2			perpetrating or attempting to
3			perpetrate a felony enumerated in
4			s. 782.04(3).
5	782.07(2)	1st	Aggravated manslaughter of an
6			elderly person or disabled adult.
7	782.07(3)	1st	Aggravated manslaughter of a
8			child.
9	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
10			reward or as a shield or hostage.
11	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
12			or facilitate commission of any
13			felony.
14	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
15			interfere with performance of any
16			governmental or political
17			function.
18	787.02(3)(a)	1st	False imprisonment; child under
19			age 13; perpetrator also commits
20			child abuse, sexual battery,
21			lewd, or lascivious act, etc.
22	790.161	1st	Attempted capital destructive
23			device offense.
24	794.011(2)	1st	Attempted sexual battery; victim
25			less than 12 years of age.
26	794.011(2)	Life	Sexual battery; offender younger
27			than 18 years and commits sexual
28			battery on a person less than 12
29			years.
30	794.011(4)	1st	Sexual battery; victim 12 years
31			or older, certain circumstances.

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1	794.011(8)(b)	1st	Sexual battery; engage in sexual
2			conduct with minor 12 to 18 years
3			by person in familial or
4			custodial authority.
5	812.13(2)(a)	1st,PBL	Robbery with firearm or other
6			deadly weapon.
7	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
8			deadly weapon.
9	<u>827.03(2)</u>	<u>1st</u>	<u>Aggravated child abuse.</u>
10	847.0145(1)	1st	Selling, or otherwise
11			transferring custody or control,
12			of a minor.
13	847.0145(2)	1st	Purchasing, or otherwise
14			obtaining custody or control, of
15			a minor.
16	859.01	1st	Poisoning food, drink, medicine,
17			or water with intent to kill or
18			injure another person.
19	893.135	1st	Attempted capital trafficking
20			offense.
21	893.135(1)(a)3.	1st	Trafficking in cannabis, more
22			than 10,000 lbs.
23	893.135		
24	(1)(b)1.c.	1st	Trafficking in cocaine, more than
25			400 grams, less than 150
26			kilograms.
27	893.135		
28	(1)(c)1.c.	1st	Trafficking in illegal drugs,
29			more than 28 grams, less than 30
30			kilograms.
31			

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- 1 893.135
- 2 (1)(d)1.c. 1st Trafficking in phencyclidine,
- 3 more than 400 grams.
- 4 893.135
- 5 (1)(e)1.c. 1st Trafficking in methaqualone, more
- 6 than 25 kilograms.
- 7 893.135
- 8 (1)(f)1.c. 1st Trafficking in amphetamine, more
- 9 than 200 grams.
- 10 (j) LEVEL 10
- 11 782.04(2) 1st,PBL Unlawful killing of human; act is
- 12 homicide, unpremeditated.
- 13 787.01(1)(a)3. 1st,PBL Kidnapping; inflict bodily harm
- 14 upon or terrorize victim.
- 15 787.01(3)(a) Life Kidnapping; child under age 13,
- 16 perpetrator also commits child
- 17 abuse, sexual battery, lewd, or
- 18 lascivious act, etc.
- 19 782.07(3) 1st Aggravated manslaughter of a
- 20 child.
- 21 794.011(3) Life Sexual battery; victim 12 years
- 22 or older, offender uses or
- 23 threatens to use deadly weapon or
- 24 physical force to cause serious
- 25 injury.
- 26 876.32 1st Treason against the state.
- 27 Section 18. Paragraph (g) of subsection (2) of section
- 28 934.03, Florida Statutes, is amended to read:
- 29 934.03 Interception and disclosure of wire, oral, or
- 30 electronic communications prohibited.--
- 31 (2)

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1 (g) It is lawful under ss. 934.03-934.09 for an
2 employee of:

3 1. An ambulance service licensed pursuant to s.
4 401.25, a fire station employing firefighters as defined by s.
5 633.30, a public utility as defined by ss. 365.01 and 366.02,
6 a law enforcement agency as defined by s. 934.02(10), or any
7 other entity with published emergency telephone numbers; ~~or~~

8 2. An agency operating an emergency telephone number
9 "911" system established pursuant to s. 365.171; ~~or~~

10 3. The central abuse hotline operated pursuant to s.
11 39.201,

12
13 to intercept and record incoming wire communications; however,
14 such employee may intercept and record incoming wire
15 communications on published emergency telephone numbers only.
16 It is also lawful for such employee to intercept and record
17 outgoing wire communications to the numbers from which such
18 incoming wire communications were placed when necessary to
19 obtain information required to provide the emergency services
20 being requested.

21 Section 19. Section 39.823, Florida Statutes, 1998
22 Supplement, is amended to read:

23 39.823 Guardian advocates for drug dependent
24 newborns.--The Legislature finds that increasing numbers of
25 drug dependent children are born in this state. Because of
26 the parents' continued dependence upon drugs, the parents may
27 temporarily leave their child with a relative or other adult
28 or may have agreed to voluntary family services under s.
29 39.301(12)~~s. 39.301(8)~~. The relative or other adult may be
30 left with a child who is likely to require medical treatment
31 but for whom they are unable to obtain medical treatment. The

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1 purpose of this section is to provide an expeditious method
2 for such relatives or other responsible adults to obtain a
3 court order which allows them to provide consent for medical
4 treatment and otherwise advocate for the needs of the child
5 and to provide court review of such authorization.

6 Section 20. The Department of Health, in consultation
7 with the Department of Children and Family Services and the
8 Florida Association of Counties, shall develop a plan for
9 submission to the Legislature describing the resources that
10 are necessary to provide adequate support for child protection
11 teams in each county. The plan must specify those resources
12 that should be provided by the state and those that should be
13 provided by the county. The Department of Health shall submit
14 the plan to the President of the Senate and the Speaker of the
15 House of Representatives by October 1, 1999.

16 Section 21. The Department of Children and Family
17 Services shall contract with an independent entity for the
18 purpose of evaluating the central abuse hotline within the
19 department to determine its effectiveness and efficiency in
20 performing its statutory responsibilities pursuant to chapter
21 39, Florida Statutes. This evaluation must include, but need
22 not be limited to, the criteria and the application of
23 criteria by which calls are accepted or denied. This
24 evaluation must also address the need to monitor the central
25 abuse hotline on an ongoing basis and, if recommended, must
26 propose the monitoring process.

27 Section 22. There is appropriated to the Department of
28 Children and Family Services 8 full-time-equivalent positions
29 and \$216,931 from recurring General Revenue Funds, \$457,896
30 from nonrecurring General Revenue Funds, and \$155,764 from the
31 Federal Grants Trust Fund to implement sections 4 and 21 of

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1 this act. There is appropriated to the Department of Health 3
2 full-time-equivalent positions and \$2,413,234 from recurring
3 General Revenue Funds and \$435,862 from nonrecurring General
4 Revenue Funds to implement sections 9 and 13 of this act.

5 Section 23. The Office of Program Policy Analysis and
6 Government Accountability is directed to analyze and report on
7 all cases for which an administrative review is conducted
8 under section 39.301(12)(c), Florida Statutes, and the
9 Department of Children and Family Services does not take the
10 child into custody or file a petition under chapter 39,
11 Florida Statutes. The analysis shall include, at a minimum, an
12 assessment of the characteristics of these children as
13 compared to children who are taken into custody or for whom a
14 petition is filed under section 39.301(12)(c), Florida
15 Statutes, as a result of the administrative review and an
16 assessment of each child's outcome in terms of whether any
17 reports of known or suspected abuse, neglect, or abandonment
18 are received. The analysis of this and any other data
19 identified and collected by the Office of Program Policy
20 Analysis and Government Accountability is to be compiled
21 quarterly and submitted to the President of the Senate and the
22 Speaker of the House of Representatives by January 1, 2000,
23 and January 1, 2001. The Office of Program Policy Analysis and
24 Government Accountability and the Department of Children and
25 Family Services shall work cooperatively to develop a research
26 and data-collection design necessary to implement the
27 requirements of this section.

28 Section 24. This act shall take effect July 1, 1999.
29
30
31

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

2 And the title is amended as follows:

3 remove from the title of the bill: the entire title

4

5 and insert in lieu thereof:

6 A bill to be entitled

7 An act relating to the protection of children;

8 creating the "Kayla McKean Child Protection

9 Act"; providing legislative intent; amending s.

10 39.01, F.S.; redefining the term "harm" for

11 purposes of ch. 39, F.S., to include the act of

12 placing a child with another person to avoid or

13 impede a protective investigation; redefining

14 the term "participant" to include providers

15 when designated by the court; amending s.

16 39.201, F.S.; requiring that a judge report

17 known or suspected child abuse; requiring that

18 the Department of Children and Family Services

19 accept certain reports of child abuse for

20 investigation; providing additional

21 requirements for the department with respect to

22 recording calls on the central abuse hotline;

23 requiring that the department's quality

24 assurance program review reports made to the

25 hotline which involve a specified number of

26 reports on a single child; amending s. 39.202,

27 F.S.; providing for certain persons who report

28 child abuse to request a summary of the

29 investigation; amending s. 39.205, F.S.;

30 increasing the penalties imposed for failing to

31 report child abuse or preventing the reporting

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1 of child abuse, unless the court finds the
2 offender is a victim of domestic violence;
3 amending s. 39.301, F.S.; requiring
4 notification of the appropriate law enforcement
5 agency of reports provided to the department's
6 district staff; requiring review; requiring
7 criminal investigation, if warranted; requiring
8 that the department maintain certain
9 information on child abuse investigations;
10 providing requirements for assigning
11 multidisciplinary staff to an investigation;
12 requiring that the department establish an
13 internal operating procedure governing the
14 completion of investigatory activities;
15 revising requirements for conducting risk
16 assessments and onsite child protective
17 investigations; authorizing the department to
18 conduct unannounced visits and interviews;
19 requiring that the department adopt rules
20 specifying criteria under which a child is
21 taken into custody, that a petition be filed
22 with the court, or that an administrative
23 review be held; requiring documentation;
24 requiring that law enforcement agencies
25 participating in an investigation take
26 photographs of the child's living environment
27 which shall be part of the investigative file;
28 requiring certain training; amending s. 39.302,
29 F.S.; authorizing the department to conduct
30 unannounced visits when conducting an
31 investigation; requiring that the department

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1 conduct certain onsite visits; amending s.
2 39.303, F.S.; providing for a child protection
3 team to include a representative of the school
4 district; providing for medical evaluations in
5 certain cases of child abuse, abandonment, and
6 neglect; specifying additional conditions that
7 must be evaluated by the child protection team;
8 amending s. 39.304, F.S.; requiring that
9 photographs be taken of visible trauma on a
10 child which shall be part of the investigative
11 file; amending s. 39.306, F.S.; specifying
12 local criminal history information that a law
13 enforcement entity is authorized to share;
14 amending s. 39.402, F.S.; authorizing the court
15 to order that a child remain in the
16 department's custody for an additional period
17 in order for the court to determine risk to the
18 child; requiring that the department provide
19 certain information to the court at the shelter
20 hearing; creating s. 383.402, F.S.; creating
21 the State Child Abuse Death Review Committee;
22 providing for membership of the committee;
23 specifying the duties of the committee;
24 providing for terms of office; providing for
25 members of the committee to be reimbursed for
26 expenses; providing for counties to establish
27 local child abuse death review committees;
28 providing for membership and duties;
29 authorizing the review committees to have
30 access to information pertaining to the death
31 of a child; authorizing providers to charge a

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1 specified fee; authorizing the State Child
2 Abuse Death Review Committee to issue
3 subpoenas; requiring the Department of Health
4 to administer the funds appropriated to operate
5 the review committees; requiring that the
6 Department of Children and Family Services
7 appoint a child abuse death review coordinator
8 in each district; amending s. 409.1671, F.S.;
9 requiring a case-transfer process; requiring
10 that private providers furnish status reports
11 to the Department of Children and Family
12 Services; prohibiting a provider from
13 discontinuing services without the department's
14 written notification; requiring that contracts
15 between the department and community-based
16 agencies include provisions for dispute
17 resolution; amending s. 777.03, F.S.; providing
18 that certain actions to assist an offender who
19 has committed child abuse, child neglect, or
20 the manslaughter or murder of a child under a
21 specified age constitute acting as an accessory
22 after the fact; providing penalties; amending
23 s. 827.03, F.S.; increasing the penalties
24 imposed for the offense of aggravated child
25 abuse; amending s. 921.0022, F.S., relating to
26 the offense severity ranking chart of the
27 Criminal Punishment Code; conforming provisions
28 to changes made by the act; amending s. 934.03,
29 F.S.; authorizing the central abuse hotline to
30 record incoming wire communications; amending
31 s. 39.823, F.S., relating to guardian advocates

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1 for newborns; conforming a cross-reference to
2 changes made by the act; requiring the
3 Department of Health to develop a plan for
4 county child protection teams; requiring the
5 Department of Children and Family Services to
6 contract with an independent entity to evaluate
7 the central abuse hotline; providing
8 appropriations; providing for an analysis and
9 report by the Office of Program Policy Analysis
10 and Government Accountability; providing an
11 effective date.

12
13 WHEREAS, national statistics indicate that 46 percent
14 of children who died as a result of child abuse or neglect had
15 prior contact with the state child protection agency, and

16 WHEREAS, more than 79,000 children in Florida were
17 abused or neglected in fiscal year 1997-1998, and a number of
18 these children died as a result of being abused, and

19 WHEREAS, 10 percent of the abused or neglected children
20 in this state were abused or neglected again within 1 year
21 after the case was closed by the Department of Children and
22 Family Services, and

23 WHEREAS, the Legislature abhors a child protection
24 system that allows a child who is known to be at serious risk
25 to remain in a dangerous home and be further harmed, even
26 killed, and

27 WHEREAS, the recent deaths of children in this state
28 which resulted from the maltreatment of children by their
29 parents, family members, or caregivers emphasize the need to
30 enhance the protection of the health and safety of children
31 served by Florida's child protection system by means that

583-168AX-08

Bill No. CS for CS for SB 338

Amendment No. ____ (for drafter's use only)

1 include strengthening the identification and assessment of
 2 those parents, family members, or other caregivers who are
 3 involved in or at risk of engaging in abusive or neglectful
 4 behavior, NOW, THEREFORE,

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