

By Senator Detert

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1 A bill to be entitled
2 An act relating to the protection of children;
3 creating s. 39.0142, F.S.; requiring a statewide team
4 of child protection investigators to respond to a
5 child's death or disappearance within a specified
6 timeframe; providing requirements for the
7 investigation into a child's death or disappearance;
8 requiring reports; requiring that the reports be
9 posted on the Department of Children and Families'
10 website; creating s. 39.2022, F.S.; providing
11 legislative intent; requiring the department to
12 disclose the basic facts of all fatalities and near
13 fatalities of children which result from child abuse
14 or neglect; requiring such disclosure to be published
15 on the department's website; providing applicability;
16 providing requirements for the release of information
17 if an investigation of a fatality is pending, if a
18 report of a fatality is true, or if a report of a
19 fatality is unsubstantiated; prohibiting certain
20 information relating to the fatality of a child from
21 being released; providing requirements for the release
22 of information if an investigation of a near fatality
23 is pending or if a report of a near fatality is true
24 or unsubstantiated; prohibiting certain information
25 relating to the near fatality of a child from being
26 released; creating s. 39.2023, F.S.; requiring each
27 community-based care lead agency to submit an annual
28 report on damage claims relating to children injured
29 while in the care or custody of the agency; providing

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30 requirements for such report; providing an effective
31 date.

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

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35 Section 1. Section 39.0142, Florida Statutes, is created to
36 read:

37 39.0142 Disappearance or death of a child in care.—If a
38 child who is under the care of the department or a community-
39 based care lead agency dies or is reported missing, a statewide
40 team of child protection investigators shall respond within 24
41 hours and shall assist the law enforcement agency in the
42 investigation into the child's death or disappearance.

43 (1) In the case of a child's death, a medical examiner
44 shall perform an autopsy and report his or her findings pursuant
45 to s. 39.201(3).

46 (2) In the case of a child's disappearance, a law
47 enforcement agency shall conduct an investigation pursuant to s.
48 937.021 and shall report on the status of the investigation to
49 the department.

50 (3) Notwithstanding ss. 39.202 and 119.071(2), the reports
51 required under subsections (1) and (2) must be published on the
52 department's website with the child's identity protected.

53 Section 2. Section 39.2022, Florida Statutes, is created to
54 read:

55 39.2022 Public disclosure of child fatalities and near
56 fatalities due to abuse and neglect.—

57 (1) It is the intent of the Legislature to provide prompt
58 disclosure of the basic facts of all fatalities and near

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59 fatalities of children from birth through the age of 18 which
60 occur in this state as the result of child abuse or neglect.
61 Disclosure must be published on the department's website. This
62 section does not limit public records access under any other
63 law.

64 (2) Notwithstanding ss. 119.071(2) and 39.202, if an
65 investigation is pending based on a report of the fatality of a
66 child to the department's central abuse hotline, the department
67 shall publish on its website the following information:

68 (a) Name, age, race, and gender of the child.

69 (b) Date of the child's death.

70 (c) Alleged or preliminary cause of death.

71 (d) County and placement, if applicable, of the child at
72 the time of the incident leading to the child's death.

73 (e) Community-based care lead agency, case management
74 agency, or out-of-home care licensing agency responsible for the
75 child, family, or licensed caregiver, if applicable.

76 (f) Relationship of the alleged offender to the child.

77 (g) Agency conducting the investigation.

78 (h) Legal action taken by the department.

79 (i) Services offered or provided by the department or a
80 community-based care lead agency and its subcontractors at any
81 time, if applicable.

82 (3) Notwithstanding ss. 119.071(2) and 39.202, if the
83 department determines through an investigation that a report of
84 the fatality of a child is true, the department shall release
85 the following additional information to the general public:

86 (a) A summary of any previous maltreatment investigations
87 involving the child.

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88 1. If the department determined in a previous investigation
89 that a report of maltreatment was true, the disclosure may not
90 include:

91 a. If the offender was an adult, the offender's name until
92 due process is satisfied; or

93 b. If the offender was younger than 18 years of age at the
94 time of the act or omission of child maltreatment, the
95 offender's name.

96 2. If the department determined in a previous investigation
97 that a report of maltreatment was unsubstantiated, the
98 disclosure may not include the name of the person alleged to be
99 the offender.

100 (b) A summary of the current investigation involving the
101 child, including the following:

102 1. The nature and extent of the child's present and past
103 injuries;

104 2. Medical information pertaining to the child's death; and

105 3. If due process has been satisfied or the offender has
106 been arrested, the name of the offender.

107 (c) All risk and safety assessments relating to the child.

108 (4) Notwithstanding ss. 119.071(2) and 39.202, if the
109 department determines in an investigation that a report of the
110 fatality of a child is unsubstantiated, the department shall
111 post on its website the following information:

112 (a) A summary of any previous maltreatment investigations
113 involving the child.

114 1. If the department determined in a previous investigation
115 that a report of maltreatment was true, the disclosure may not
116 include:

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117 a. If the offender was an adult, the offender's name until
118 due process is satisfied; or

119 b. If the offender was younger than 18 years of age at the
120 time of the act or omission of child maltreatment, the
121 offender's name.

122 2. If the previous investigation determined that a report
123 of maltreatment was unsubstantiated, the disclosure may not
124 include the name of the person alleged to be the offender.

125 (b) A summary of the current investigation involving the
126 child, including medical information relating to the child's
127 death; however, the name of the alleged offender may not be
128 disclosed.

129 (c) All risk and safety assessments relating to the child.

130 (d) Information about criminal charges, if known.

131 (e) Any action taken by the department or a law enforcement
132 agency, including personnel and licensing action.

133 (5) The department may not release the following
134 information relating to the fatality of a child:

135 (a) Information relating to siblings of the child.

136 (b) Attorney-client communications.

137 (c) Information that would jeopardize a criminal
138 investigation if such information were released.

139 (6) Notwithstanding ss. 119.071(2) and 39.202, if an
140 investigation is pending on a report of the near fatality of a
141 child to the department's central abuse hotline, the department
142 shall post on its website the following information:

143 (a) Age, race, and gender of the child.

144 (b) Date of the near fatality.

145 (c) Alleged or preliminary cause of the near fatality.

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146 (d) County and placement of the child at time of the near
147 fatality.

148 (e) Community-based care lead agency, case management
149 agency, or out-of-home care licensing agency responsible for the
150 child, family, and licensed caregiver, if applicable.

151 (f) Relationship of the alleged offender to the child.

152 (g) Agency conducting the investigation.

153 (h) Legal action taken by the department.

154 (i) Services offered or provided by the department or a
155 community-based care lead agency and its subcontractors at any
156 time, if applicable.

157 (7) Notwithstanding ss. 119.071(2) and 39.202, if the
158 department determines in an investigation that a report of the
159 near fatality of a child is true, the department shall release
160 the following additional information to the general public:

161 (a) A summary of any previous maltreatment investigations
162 involving the child, which does not identify the child.

163 (b) A summary of the current investigation involving the
164 child, which does not identify the child, which includes:

165 1. The nature and extent of the child's present and past
166 injuries.

167 2. Medical information pertaining to the incident.

168 (c) Information about criminal charges, if known.

169 (d) Any action taken by the department or any law
170 enforcement agency, including personnel action and licensing
171 action.

172 (8) Notwithstanding ss. 119.071(2) and 39.202, if the
173 department determines in an investigation that a report of the
174 near fatality of a child is unsubstantiated, the department

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175 shall release the following information to the general public:

176 (a) A summary of any previous maltreatment investigations
177 involving the child, which does not identify the child.

178 (b) A summary of the current investigation involving the
179 child, which does not identify the child.

180 (c) Information about criminal charges, if known.

181 (d) Any action taken by the department or a law enforcement
182 agency, including personnel and licensing action.

183 (9) The department may not release the following
184 information relating to the near fatality of a child:

185 (a) Information relating to siblings of the child.

186 (b) Attorney-client communications.

187 (c) Information that would jeopardize a criminal
188 investigation if it were released.

189 Section 3. Section 39.2023, Florida Statutes, is created to
190 read:

191 39.2023 Public disclosure of resolution of claims for
192 damages for children injured in state care or custody.—

193 (1) Each community-based care lead agency shall submit a
194 report annually by October 1 to the department on the existence
195 and resolution of all damage claims relating to children
196 allegedly injured in the care or the custody of the agency.

197 (2) The report must include, for each claim presented:

198 (a) The status of the claim, including whether the claim is
199 presuit, filed, resolved, pending in trial court, or on appeal.
200 If a suit has been filed or is pending, the report must include
201 the court where such suit is filed or pending.

202 (b) A summary of the legal claims made by the plaintiff.

203 (c) The name of each entity named as a defendant.

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204 (d) How the claim was resolved, including, but not limited
205 to, settlement, court order of dismissal or summary judgment,
206 jury verdict, or nonjury determination, if applicable.

207 (e) The amount paid by each defendant, the amount of a
208 settlement, or the judgment unpaid for which a claims bill may
209 be sought, if applicable.

210 Section 4. This act shall take effect July 1, 2014.