



201704

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2019	.	
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The Committee on Children, Families, and Elder Affairs (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present subsections (8) through (12) of section 39.01, Florida Statutes, are redesignated as subsections (7) through (11), respectively, a new subsection (12) is added to that section, and present subsection (7) of that section is amended, to read:

39.01 Definitions.—When used in this chapter, unless the



201704

11 context otherwise requires:

12 ~~(7) "Juvenile sexual abuse" means any sexual behavior by a~~
13 ~~child which occurs without consent, without equality, or as a~~
14 ~~result of coercion. For purposes of this subsection, the~~
15 ~~following definitions apply:~~

16 ~~(a) "Coercion" means the exploitation of authority or the~~
17 ~~use of bribes, threats of force, or intimidation to gain~~
18 ~~cooperation or compliance.~~

19 ~~(b) "Equality" means two participants operating with the~~
20 ~~same level of power in a relationship, neither being controlled~~
21 ~~nor coerced by the other.~~

22 ~~(c) "Consent" means an agreement, including all of the~~
23 ~~following:~~

24 ~~1. Understanding what is proposed based on age, maturity,~~
25 ~~developmental level, functioning, and experience.~~

26 ~~2. Knowledge of societal standards for what is being~~
27 ~~proposed.~~

28 ~~3. Awareness of potential consequences and alternatives.~~

29 ~~4. Assumption that agreement or disagreement will be~~
30 ~~accepted equally.~~

31 ~~5. Voluntary decision.~~

32 ~~6. Mental competence.~~

33

34 ~~Juvenile sexual behavior ranges from noncontact sexual behavior~~
35 ~~such as making obscene phone calls, exhibitionism, voyeurism,~~
36 ~~and the showing or taking of lewd photographs to varying degrees~~
37 ~~of direct sexual contact, such as frottage, fondling, digital~~
38 ~~penetration, rape, fellatio, sodomy, and various other sexually~~
39 ~~aggressive acts.~~



201704

40 (12) (a) "Child-on-child sexual abuse" means sexual activity
41 between children and without the direct involvement of an adult
42 which:

- 43 1. Is overt and deliberate;
44 2. Is directed at sexual stimulation; and
45 3.a. Occurs without consent or without equality mentally,
46 physically, or in age; or
47 b. Occurs as a result of physical or emotional coercion.

48 (b) For purposes of this subsection, the following
49 definitions apply:

50 1. "Coercion" means the exploitation of authority or the
51 use of bribes, threats of force, or intimidation to gain
52 cooperation or compliance.

53 2. "Consent" means an agreement including all of the
54 following:

55 a. Understanding of what is proposed which is based on age,
56 maturity, and developmental level.

57 b. Knowledge of societal standards for what is being
58 proposed.

59 c. Awareness of the potential consequences.

60 d. Assumption that participation or non-participation will
61 be accepted equally.

62 e. Voluntary decision.

63 f. Mental competence.

64 3. "Equality" means two participants operating with the
65 same level of power in a relationship, without one being
66 controlled or coerced by the other.

67
68 The term includes both noncontact sexual behavior, such as



201704

69 making obscene phone calls, exhibitionism, voyeurism, and the
70 showing or taking of lewd photographs, and direct sexual
71 contact, such as frottage, fondling, digital penetration, rape,
72 fellatio, sodomy, and various other sexually aggressive acts.
73 Child-on-child sexual abuse does not include normative sexual
74 play or anatomical curiosity and exploration.

75 Section 2. Section 39.101, Florida Statutes, is created to
76 read:

77 39.101 Central abuse hotline.—The central abuse hotline is
78 the first step in the safety assessment and investigation
79 process.

80 (1) ESTABLISHMENT AND OPERATION.—The department shall
81 establish and maintain a central abuse hotline capable of
82 receiving, 24 hours a day, 7 days a week, all reports of known
83 or suspected child abuse, abandonment, or neglect and reports
84 that a child is in need of supervision and care and has no
85 parent, legal custodian, or responsible adult relative
86 immediately known and available to provide supervision and care
87 when such reports are made pursuant to s. 39.201. Reports may be
88 made in writing, through a single statewide toll-free telephone
89 number, or through electronic reporting. Any person may use any
90 of these methods to make a report at any hour of the day or
91 night, on any day of the week.

92 (a) If it appears that the immediate safety or well-being
93 of a child is endangered, that the family may flee or the child
94 will be unavailable for purposes of conducting a child
95 protective investigation, or that the facts otherwise so
96 warrant, the department must commence an investigation
97 immediately, regardless of the time of day or night.



201704

98 (b) In all other child abuse, abandonment, or neglect
99 cases, a child protective investigation must be commenced within
100 24 hours after receipt of the report.

101 (2) GENERAL REQUIREMENTS.—The central abuse hotline must be
102 operated in such a manner as to enable the department to:

103 (a) Accept reports for investigation when there is a
104 reasonable cause to suspect that a child has been or is being
105 abused or neglected or has been abandoned.

106 (b) Determine whether the allegations made by the reporter
107 require an immediate or a 24-hour response priority.

108 (c) Immediately identify and locate prior reports or cases
109 of child abuse, abandonment, or neglect through the use of the
110 department's automated tracking system.

111 (d) Track critical steps in the investigative process to
112 ensure compliance with all requirements for any report of abuse,
113 abandonment, or neglect.

114 (e) When appropriate, refer calls that do not allege the
115 abuse, neglect, or abandonment of a child to other organizations
116 that may better resolve the reporter's concerns.

117 (f) Serve as a resource for the evaluation, management, and
118 planning of preventive and remedial services for children who
119 have been subject to abuse, abandonment, or neglect.

120 (g) Initiate and enter into agreements with other states
121 for the purposes of gathering and sharing information contained
122 in reports on child maltreatment to further enhance programs for
123 the protection of children.

124
125 The department shall promote public awareness of the central
126 abuse hotline through community-based partner organizations and



201704

127 public service campaigns.

128 (3) COLLECTION OF INFORMATION AND DATA.—The department
129 shall:

130 (a) Voice-record all incoming or outgoing calls that are
131 received or placed by the central abuse hotline which relate to
132 suspected or known child abuse, neglect, or abandonment. The
133 department shall maintain an electronic copy of each electronic
134 report. The recording or electronic copy of each electronic
135 report must become a part of the record of the report but,
136 notwithstanding s. 39.202, must be released in full only to law
137 enforcement agencies and state attorneys for the purposes of
138 investigating and prosecuting criminal charges pursuant to s.
139 39.205, or to employees of the department for the purposes of
140 investigating and seeking administrative penalties pursuant to
141 s. 39.206. This paragraph does not prohibit hotline staff from
142 using the recordings or the electronic reports for quality
143 assurance or training.

144 (b) Secure and install electronic equipment that
145 automatically provides to the hotline the number from which the
146 call or fax is placed or the Internet protocol address from
147 which the report is received. This number shall be entered into
148 the report of abuse, abandonment, or neglect and become a part
149 of the record of the report, but shall enjoy the same
150 confidentiality as provided to the identity of the reporter
151 pursuant to s. 39.202.

152 (c)1. Update the web form used for reporting child abuse,
153 abandonment, or neglect to include qualifying questions in order
154 to obtain necessary information required to assess need and a
155 response.



201704

156 2. The report must be made available to the counselors in
157 its entirety as needed to update the Florida Safe Families
158 Network or other similar systems.

159 (d) Monitor and evaluate the effectiveness of the
160 department's program for the reporting and investigating of
161 suspected abuse, abandonment, or neglect of children through the
162 development and analysis of statistical and other information.

163 (e) Maintain and produce aggregate statistical reports
164 monitoring patterns of child abuse, child abandonment, and child
165 neglect. The department shall collect and analyze child-on-child
166 sexual abuse reports and include such information in the
167 aggregate statistical reports. The department shall collect and
168 analyze, in separate statistical reports, those reports of child
169 abuse and sexual abuse which are reported from or which occurred
170 on the campus of any Florida College System institution or state
171 university, as those terms are defined in s. 10021, or any
172 school, as defined in s. 1005.02.

173 (4) EMPLOYMENT SCREENING.—Information received by the
174 central abuse hotline may not be used for employment screening,
175 except as provided in s. 39.202(2)(a) and (h) or s. 402.302(15).

176 (a) Information in the central abuse hotline and the
177 department's automated abuse information system may be used by
178 the department, its authorized agents or contract providers, the
179 Department of Health, or county agencies as part of the
180 licensure or registration process pursuant to ss. 402.301-
181 402.319 and ss. 409.175-409.176.

182 (b) Information in the central abuse hotline may also be
183 used by the Department of Education for purposes of educator
184 certification discipline and review pursuant to s. 39.202(2)(q).



201704

185 (5) QUALITY ASSURANCE.—On an ongoing basis, the
186 department's quality assurance program shall review screened-out
187 reports involving three or more unaccepted reports on a single
188 child, where jurisdiction applies, in order to detect such
189 things as harassment and situations that warrant an
190 investigation because of the frequency of the reports or the
191 variety of the sources of the reports. A component of the
192 quality assurance program must analyze unaccepted reports to the
193 hotline by identified relatives as a part of the review of
194 screened-out calls. The Assistant Secretary for Child Welfare
195 may refer a case for investigation when it is determined, as a
196 result of such review, that an investigation may be warranted.

197 Section 3. Section 39.201, Florida Statutes, is amended to
198 read:

199 (Substantial rewording of section. See
200 s. 39.201, F.S., for present text.)

201 39.201 Mandatory reports of child abuse, abandonment, or
202 neglect; mandatory reports of death; central abuse hotline.—

203 (1) MANDATORY REPORTING.—

204 (a) Any person who knows, or has reasonable cause to
205 suspect, that any of the following has occurred shall report
206 such knowledge or suspicion to the central abuse hotline on the
207 single statewide toll-free telephone number or by electronic
208 report pursuant to s. 39.101:

209 1. Child abuse, neglect, or abandonment by a parent or
210 caregiver.—A child is abused, abandoned, or neglected by a
211 parent, legal custodian, caregiver, or other person responsible
212 for the child's welfare, or that a child is in need of
213 supervision and care and has no parent, legal custodian, or



201704

214 responsible adult relative immediately known and available to
215 provide supervision and care.

216 a. Personnel at the department's central abuse hotline
217 shall determine if the report received meets the statutory
218 definition of child abuse, abandonment, or neglect. Any report
219 meeting one of these definitions must be accepted for protective
220 investigation pursuant to part III of this chapter.

221 b. Any call received from a parent or legal custodian
222 seeking assistance for himself or herself which does not meet
223 the criteria for being a report of child abuse, abandonment, or
224 neglect may be accepted by the hotline for response to
225 ameliorate a potential future risk of harm to a child.

226 c. If it is determined by a child welfare professional that
227 a need for community services exists, the department must refer
228 the parent or legal custodian for appropriate voluntary
229 community services.

230 2. Child abuse by a non-caregiver.—A child is abused by an
231 adult other than a parent, legal custodian, caregiver, or other
232 person responsible for the child's welfare. Such reports must be
233 immediately electronically transferred to the appropriate county
234 sheriff's office by the central abuse hotline.

235 3. Child-on-child sexual abuse.—A child, including a child
236 who is in the custody of the department, is the victim of child-
237 on-child sexual abuse.

238 a. The central abuse hotline shall immediately
239 electronically transfer the report to the appropriate county
240 sheriff's office. The department shall conduct an assessment,
241 assist the family in receiving appropriate services pursuant to
242 s. 39.307, and send a written report of the allegation to the



201704

243 appropriate county sheriff's office within 48 hours after the
244 initial report is made to the central abuse hotline.

245 b. The department shall ensure that the facts and results
246 of any investigation of child-on-child sexual abuse involving a
247 child in the custody of or under the protective supervision of
248 the department are made known to the court at the next hearing
249 or included in the next report to the court concerning the
250 child.

251 (b) While central abuse hotline counselors are required to
252 receive periodic training in encouraging all reporters to
253 provide their names when making a report and are required to
254 advise callers that the names of reporters must be entered into
255 the record of the report but are held confidential and exempt as
256 provided in s. 39.202, any reporter in the following
257 occupational categories is required to provide his or her name
258 to the central abuse hotline staff:

259 1. Physician, osteopathic physician, medical examiner,
260 chiropractic physician, nurse, or hospital personnel engaged in
261 the admission, examination, care, or treatment of persons;

262 2. Health professional or mental health professional other
263 than ones listed in subparagraph 1.;

264 3. Practitioner who relies solely on spiritual means for
265 healing;

266 4. School teacher or other school official or personnel;

267 5. Social worker, day care center worker, or other
268 professional child care worker, foster care worker, residential
269 worker, or institutional worker;

270 6. Law enforcement officer;

271 7. Judge; or



201704

272 8. Animal control officer as defined in s. 828.27 or agents
273 appointed under s. 828.03.

274 (2) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

275 (a) Abuse occurring out of state.—If a report is of an
276 instance of known or suspected child abuse, abandonment, or
277 neglect that occurred out of state and the alleged perpetrator
278 and the child alleged to be a victim live out of state, the
279 central abuse hotline may not accept the report or call for
280 investigation and shall transfer the information on the report
281 to the appropriate state.

282 (b) Abuse involving impregnation of a child.—If the report
283 is of an instance of known or suspected child abuse involving
284 impregnation of a child under 16 years of age by a person 21
285 years of age or older solely under s. 827.04(3), and such person
286 is not a caregiver, the report must be immediately
287 electronically transferred to the appropriate county sheriff's
288 office by the central abuse hotline.

289 (c) Institutional child abuse or neglect.—Reports involving
290 known or suspected institutional child abuse or neglect, as
291 defined in s. 39.01, must be made and received in the same
292 manner as all other reports made pursuant to this section.

293 (d) Surrendered newborn infants.—Reports involving
294 surrendered newborn infants as described in s. 383.50 must be
295 made and received by the department.

296 1. If the report is of a surrendered newborn infant as
297 described in s. 383.50 and there is no indication of abuse,
298 neglect, or abandonment other than that necessarily entailed in
299 the infant having been left at a hospital, emergency medical
300 services station, or fire station, the department shall provide



201704

301 to the caller the name of a licensed child-placing agency on a
302 rotating basis from a list of licensed child-placing agencies
303 eligible and required to accept physical custody of and to place
304 newborn infants left at a hospital, emergency medical services
305 station, or fire station. The report may not be considered a
306 report of abuse, neglect, or abandonment solely because the
307 infant has been left at a hospital, emergency medical services
308 station, or fire station pursuant to s. 383.50.

309 2. If the report includes indications of abuse or neglect
310 beyond that necessarily entailed in the infant having been left
311 at a hospital, emergency medical services station, or fire
312 station, the report must be considered as a report of abuse,
313 neglect, or abandonment and must be subject to the requirements
314 of s. 39.395 and all other relevant provisions of this chapter,
315 notwithstanding chapter 383.

316 (3) EXCEPTIONS TO REPORTING.—

317 (a) An additional report of child abuse, abandonment, or
318 neglect does not have to be made by:

319 1. A professional who is hired by or who enters into a
320 contract with the department for the purpose of treating or
321 counseling any person as a result of a report of child abuse,
322 abandonment, or neglect if such person was the subject of the
323 referral for treatment.

324 2. An officer or employee of the judicial branch when the
325 child is currently being investigated by the department, when
326 there is an existing dependency case, or when the matter has
327 previously been reported to the department, if there is
328 reasonable cause to believe that the information is already
329 known to the department. This subparagraph applies only when the



330 information has been provided to the officer or employee in the
331 course of carrying out his or her official duties.

332 3. An officer or employee of a law enforcement agency when
333 the incident under investigation by the law enforcement agency
334 was reported to law enforcement by the central abuse hotline
335 through the electronic transfer of the report or call. The
336 department's central abuse hotline is not required to
337 electronically transfer calls and reports received pursuant to
338 paragraph (2)(b) to the county sheriff's office if the matter
339 was initially reported to the department by the county sheriff's
340 office or by another law enforcement agency. This subparagraph
341 applies only when the information related to the alleged child
342 abuse has been provided to the officer or employee of a law
343 enforcement agency or central abuse hotline employee in the
344 course of carrying out his or her official duties.

345 (b) Nothing in this chapter or in the contracting with
346 community-based care providers for foster care and related
347 services as specified in s. 409.987 may be construed to remove
348 or reduce the duty and responsibility of any person, including
349 any employee of the community-based care provider, to report a
350 suspected or actual case of child abuse, abandonment, or neglect
351 or the sexual abuse of a child to the department's central abuse
352 hotline.

353 (4) MANDATORY REPORTS OF A CHILD DEATH.—Any person required
354 to report or investigate cases of suspected child abuse,
355 abandonment, or neglect who has reasonable cause to suspect that
356 a child died as a result of child abuse, abandonment, or neglect
357 shall report his or her suspicion to the appropriate medical
358 examiner. The medical examiner shall accept the report for



201704

359 investigation and shall report his or her findings, in writing,
360 to the local law enforcement agency, the appropriate state
361 attorney, and the department. Autopsy reports maintained by the
362 medical examiner are not subject to the confidentiality
363 requirements provided for in s. 39.202.

364 Section 4. Subsections (1) and (2) of section 39.302,
365 Florida Statutes, are amended to read:

366 39.302 Protective investigations of institutional child
367 abuse, abandonment, or neglect.—

368 (1) The department shall conduct a child protective
369 investigation of each report of institutional child abuse,
370 abandonment, or neglect. Upon receipt of a report that alleges
371 that an employee or agent of the department, or any other entity
372 or person covered by s. 39.01(37) or (54), acting in an official
373 capacity, has committed an act of child abuse, abandonment, or
374 neglect, the department shall initiate a child protective
375 investigation within the timeframe established under s.
376 39.101(1) ~~s. 39.201(5)~~ and notify the appropriate state
377 attorney, law enforcement agency, and licensing agency, which
378 shall immediately conduct a joint investigation, unless
379 independent investigations are more feasible. When conducting
380 investigations or having face-to-face interviews with the child,
381 investigation visits shall be unannounced unless it is
382 determined by the department or its agent that unannounced
383 visits threaten the safety of the child. If a facility is exempt
384 from licensing, the department shall inform the owner or
385 operator of the facility of the report. Each agency conducting a
386 joint investigation is entitled to full access to the
387 information gathered by the department in the course of the



201704

388 investigation. A protective investigation must include an
389 interview with the child's parent or legal guardian. The
390 department shall make a full written report to the state
391 attorney within 3 working days after making the oral report. A
392 criminal investigation shall be coordinated, whenever possible,
393 with the child protective investigation of the department. Any
394 interested person who has information regarding the offenses
395 described in this subsection may forward a statement to the
396 state attorney as to whether prosecution is warranted and
397 appropriate. Within 15 days after the completion of the
398 investigation, the state attorney shall report the findings to
399 the department and shall include in the report a determination
400 of whether or not prosecution is justified and appropriate in
401 view of the circumstances of the specific case.

402 (2) (a) If in the course of the child protective
403 investigation, the department finds that a subject of a report,
404 by continued contact with children in care, constitutes a
405 threatened harm to the physical health, mental health, or
406 welfare of the children, the department may restrict a subject's
407 access to the children pending the outcome of the investigation.
408 The department or its agent shall employ the least restrictive
409 means necessary to safeguard the physical health, mental health,
410 and welfare of the children in care. This authority shall apply
411 only to child protective investigations in which there is some
412 evidence that child abuse, abandonment, or neglect has occurred.
413 A subject of a report whose access to children in care has been
414 restricted is entitled to petition the circuit court for
415 judicial review. The court shall enter written findings of fact
416 based upon the preponderance of evidence that child abuse,



201704

417 abandonment, or neglect did occur and that the department's
418 restrictive action against a subject of the report was justified
419 in order to safeguard the physical health, mental health, and
420 welfare of the children in care. The restrictive action of the
421 department shall be effective for no more than 90 days without a
422 judicial finding supporting the actions of the department.

423 (b) In an institutional investigation, the alleged
424 perpetrator may be represented by an attorney, at his or her own
425 expense, or may be accompanied by another person, if the
426 attorney or the person executes an affidavit of understanding
427 with the department and agrees to comply with the
428 confidentiality requirements under s. 39.202. The absence of an
429 attorney or an accompanying person does not prevent the
430 department from proceeding with other aspects of the
431 investigation, including interviews with other persons. In
432 institutional child abuse cases when the institution is not
433 operational and the child cannot otherwise be located, the
434 investigation must commence immediately upon the resumption of
435 operation. If requested by a state attorney or local law
436 enforcement agency, the department shall furnish all
437 investigative reports to such state attorney or agency.

438 (c) ~~(b)~~ Upon completion of the department's child protective
439 investigation, the department may make application to the
440 circuit court for continued restrictive action against any
441 person necessary to safeguard the physical health, mental
442 health, and welfare of the children in care.

443 Section 5. Section 828.075, Florida Statutes, is created to
444 read:

445 828.075 Cross-reporting child and animal abuse and



201704

446 cruelty.-

447 (1) The purpose of this section is to recognize the
448 importance of the strong link between child abuse and animal
449 abuse and cruelty.

450 (2) Any person who is required to investigate child abuse,
451 abandonment, or neglect under chapter 39 and who knows or has
452 reasonable cause to suspect that abuse, neglect, cruelty, or
453 abandonment of an animal has occurred must report such knowledge
454 or suspicion within 24 hours to the local animal control officer
455 or an agent appointed under s. 828.03. If no local animal
456 control officer or agent exists, the report must be made to the
457 appropriate local law enforcement agency.

458 (3) The report must include all of the following
459 information:

460 (a) A description of the animal.

461 (b) A description of any injury, cruelty, or abuse of the
462 animal, including any evidence of prior injury, cruelty, or
463 abuse of the animal or of other animals.

464 (c) Any evidence of neglect or abandonment of the animal,
465 including any evidence of prior neglect or abandonment of the
466 animal or of other animals.

467 (d) The name and address of the person or persons alleged
468 to be responsible for causing the injury, abuse, neglect,
469 cruelty, or abandonment of the animal.

470 (e) The source of the report.

471 (f) Any action taken by the reporting source with regard to
472 the injury, abuse, neglect, cruelty, or abandonment of the
473 animal.

474 (g) The name, address, and telephone number of the person



201704

475 making the report.

476 (4) A person who is required to report known or suspected
477 abuse, neglect, cruelty, or abandonment of an animal and who
478 knowingly and willfully fails to do so commits a misdemeanor of
479 the second degree, punishable as provided in s. 775.082 or s.
480 775.083.

481 (5) The Department of Children and Families' training
482 program for persons who are required to investigate child abuse,
483 abandonment, or neglect must include training on identifying
484 harm to, neglect of, and cruelty toward animals and on the
485 strong link between animal abuse and cruelty and child welfare
486 case practice.

487 Section 6. Paragraph (a) of subsection (4) of section
488 828.27, Florida Statutes, is amended to read:

489 828.27 Local animal control or cruelty ordinances;
490 penalty.—

491 (4) (a) 1. County-employed animal control officers must, and
492 municipally employed animal control officers may, successfully
493 complete a 40-hour minimum standards training course. Such
494 course must include, but is not limited to, training for: animal
495 cruelty investigations; ~~;~~ search and seizure; ~~;~~ animal handling; ~~;~~
496 courtroom demeanor; ~~;~~ and civil citations; and detecting child
497 abuse, neglect, and abandonment. The course curriculum must be
498 approved by the Florida Animal Control Association. An animal
499 control officer who successfully completes such course shall be
500 issued a certificate indicating that he or she has received a
501 passing grade.

502 2. Any animal control officer who is authorized before
503 January 1, 1990, by a county or municipality to issue citations



201704

504 is not required to complete the minimum standards training
505 course.

506 3. In order to maintain valid certification, every 2 years
507 each certified animal control officer must complete 4 hours of
508 postcertification continuing education training. Such training
509 may include, but is not limited to, training for: animal cruelty
510 investigations, search and seizure, animal handling, courtroom
511 demeanor, and civil citations.

512 Section 7. Subsection (1) and paragraph (a) of subsection
513 (2) of section 39.307, Florida Statutes, are amended to read:

514 39.307 Reports of child-on-child sexual abuse.—

515 (1) Upon receiving a report alleging child-on-child
516 ~~juvenile~~ sexual abuse or inappropriate sexual behavior as
517 defined in s. 39.01, the department shall assist the family,
518 child, and caregiver in receiving appropriate services to
519 address the allegations of the report.

520 (a) The department shall ensure that information describing
521 the child's history of child sexual abuse is included in the
522 child's electronic record. This record must also include
523 information describing the services the child has received as a
524 result of his or her involvement with child sexual abuse.

525 (b) Placement decisions for a child who has been involved
526 with child sexual abuse must include consideration of the needs
527 of the child and any other children in the placement.

528 (c) The department shall monitor the occurrence of child
529 sexual abuse and the provision of services to children involved
530 in child-on-child ~~child sexual abuse or juvenile~~ sexual abuse,
531 or who have displayed inappropriate sexual behavior.

532 (2) The department, contracted sheriff's office providing



201704

533 protective investigation services, or contracted case management
534 personnel responsible for providing services, at a minimum,
535 shall adhere to the following procedures:

536 (a) The purpose of the response to a report alleging child-
537 on-child ~~juvenile~~ sexual abuse behavior or inappropriate sexual
538 behavior shall be explained to the caregiver.

539 1. The purpose of the response shall be explained in a
540 manner consistent with legislative purpose and intent provided
541 in this chapter.

542 2. The name and office telephone number of the person
543 responding shall be provided to the caregiver of the alleged
544 abuser or child who has exhibited inappropriate sexual behavior
545 and the victim's caregiver.

546 3. The possible consequences of the department's response,
547 including outcomes and services, shall be explained to the
548 caregiver of the alleged abuser or child who has exhibited
549 inappropriate sexual behavior and the victim's caregiver.

550 Section 8. Subsection (6) of section 39.301, Florida
551 Statutes, is amended to read:

552 39.301 Initiation of protective investigations.—

553 (6) Upon commencing an investigation under this part, if a
554 report was received from a reporter under s. 39.201(1)(a)2. ~~s.~~
555 ~~39.201(1)(b)~~, the protective investigator must provide his or
556 her contact information to the reporter within 24 hours after
557 being assigned to the investigation. The investigator must also
558 advise the reporter that he or she may provide a written summary
559 of the report made to the central abuse hotline to the
560 investigator which shall become a part of the electronic child
561 welfare case file.



201704

562 Section 9. Paragraph (g) of subsection (2) of section
563 934.03, Florida Statutes, is amended to read:
564 934.03 Interception and disclosure of wire, oral, or
565 electronic communications prohibited.-
566 (2)
567 (g) It is lawful under this section and ss. 934.04-934.09
568 for an employee of:
569 1. An ambulance service licensed pursuant to s. 401.25, a
570 fire station employing firefighters as defined by s. 633.102, a
571 public utility, a law enforcement agency as defined by s.
572 934.02(10), or any other entity with published emergency
573 telephone numbers;
574 2. An agency operating an emergency telephone number "911"
575 system established pursuant to s. 365.171; or
576 3. The central abuse hotline operated pursuant to s. 39.101
577 ~~s. 39.201~~
578
579 to intercept and record incoming wire communications; however,
580 such employee may intercept and record incoming wire
581 communications on designated "911" telephone numbers and
582 published nonemergency telephone numbers staffed by trained
583 dispatchers at public safety answering points only. It is also
584 lawful for such employee to intercept and record outgoing wire
585 communications to the numbers from which such incoming wire
586 communications were placed when necessary to obtain information
587 required to provide the emergency services being requested. For
588 the purpose of this paragraph, the term "public utility" has the
589 same meaning as provided in s. 366.02 and includes a person,
590 partnership, association, or corporation now or hereafter owning



201704

591 or operating equipment or facilities in the state for conveying
592 or transmitting messages or communications by telephone or
593 telegraph to the public for compensation.

594 Section 10. This act shall take effect July 1, 2019.

595

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

597 And the title is amended as follows:

598 Delete everything before the enacting clause

599 and insert:

600

A bill to be entitled

601

An act relating to child abuse, abandonment, and

602

neglect; amending s. 39.01, F.S.; deleting the term

603

"juvenile sexual abuse"; defining the term "child-on-

604

child sexual abuse"; creating s. 39.101, F.S.;

605

relocating provisions relating to the central abuse

606

hotline of the Department of Children and Families;

607

providing additional requirements relating to the

608

hotline; amending s. 39.201, F.S.; requiring animal

609

control officers and certain agents to provide their

610

names to hotline staff; revising requirements relating

611

to reports of abuse involving impregnation of

612

children; amending s. 39.302, F.S.; conforming a

613

cross-reference; relocating provisions relating to the

614

representation of alleged perpetrators in

615

institutional investigations; creating s. 828.075,

616

F.S.; providing a purpose; requiring individuals who

617

are required to investigate child abuse, abandonment,

618

or neglect to also report certain animal abuse to

619

specified persons or agencies; requiring that the



201704

620 report include certain information; providing a
621 criminal penalty for knowingly and willfully failing
622 to make such report; requiring the department to
623 include certain training in the training program for
624 persons required to investigate child abuse,
625 abandonment, or neglect; amending s. 828.27, F.S.;
626 requiring training for animal control officers to
627 include training for detecting child abuse, neglect,
628 and abandonment; amending s. 39.307, F.S.; conforming
629 provisions to changes made by the act; amending ss.
630 39.301 and 934.03, F.S.; conforming cross-references;
631 providing an effective date.