



201704

LEGISLATIVE ACTION

Senate

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House

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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



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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.~~



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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



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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.



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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



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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.



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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).



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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





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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



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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



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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



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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



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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



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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



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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,



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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





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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



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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



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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



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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.



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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



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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



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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.