

By the Committees on Criminal Justice; and Children, Families, and Elder Affairs; and Senator Bean

591-02651-19

2019128c2

1 A bill to be entitled
2 An act relating to child abuse; amending s. 39.01,
3 F.S.; expanding the list of incidents or injuries that
4 constitute harm to a child's health or welfare to
5 include incidents or injuries resulting from
6 violations of child restraint and seatbelt
7 requirements; amending s. 39.201, F.S.; requiring the
8 central abuse hotline to accept certain reports or
9 calls for investigation for children who do not live
10 in this state; requiring the Department of Children
11 and Families to initiate an investigation when a
12 report is received from an emergency room physician;
13 amending s. 39.303, F.S.; expanding the types of
14 reports that the department must refer to Child
15 Protection Teams; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Paragraph (m) is added to subsection (35) of
20 section 39.01, Florida Statutes, to read:

21 39.01 Definitions.—When used in this chapter, unless the
22 context otherwise requires:

23 (35) "Harm" to a child's health or welfare can occur when
24 any person:

25 (m) Violates s. 316.613 or s. 316.614 resulting in the
26 death of a child or the injury of a child which requires
27 treatment at a hospital emergency department or a trauma center,
28 if substantiated by a licensed physician's opinion that the
29 violation exacerbated the child's injuries or resulted in the

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30 child's death.

31 Section 2. Paragraph (d) of subsection (2) of section
32 39.201, Florida Statutes, is amended, and paragraph (1) is added
33 to that subsection, to read:

34 39.201 Mandatory reports of child abuse, abandonment, or
35 neglect; mandatory reports of death; central abuse hotline.—

36 (2)

37 (d) If the report is of an instance of known or suspected
38 child abuse, abandonment, or neglect which ~~that~~ occurred out of
39 state and the alleged perpetrator and the child alleged to be a
40 victim live out of state, the central abuse hotline may ~~shall~~
41 not accept the report or call for investigation unless the child
42 is currently being evaluated in a medical facility in this
43 state.

44 1. If the child is currently being evaluated in a medical
45 facility in this state, the central abuse hotline shall accept
46 the report or call for investigation and transfer the
47 information on the report or call to the appropriate state or
48 country.

49 2. If the child is not currently being evaluated in a
50 medical facility in this state, the central abuse hotline, ~~but~~
51 shall transfer the information on the report or call to the
52 appropriate state or country.

53 (1) The department shall initiate an investigation when a
54 report from an emergency room physician is received.

55 Section 3. Paragraphs (i) and (j) are added to subsection
56 (4) of section 39.303, Florida Statutes, to read:

57 39.303 Child Protection Teams and sexual abuse treatment
58 programs; services; eligible cases.—

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59 (4) The child abuse, abandonment, and neglect reports that
60 must be referred by the department to Child Protection Teams of
61 the Department of Health for an assessment and other appropriate
62 available support services as set forth in subsection (3) must
63 include cases involving:

64 (i) A child who does not live in this state who is
65 currently being evaluated in a medical facility in this state.

66 (j) A child who was not properly restrained in a motor
67 vehicle pursuant to s. 316.613 or s. 316.614 and the improper
68 restraint exacerbated the child's injuries or resulted in the
69 child's death.

70 Section 4. This act shall take effect July 1, 2019.