

By Senator Myers

27-1402-98

See CS/HB 1929

1 A bill to be entitled
2 An act relating to protection of children;
3 amending s. 20.19, F.S.; deleting reference to
4 child protection and sexual abuse treatment
5 teams from responsibilities of the Children and
6 Families Program Office of the Department of
7 Children and Family Services; transferring all
8 powers and duties relating to child abuse
9 prevention services, the child protection
10 teams, and the sexual abuse treatment program
11 to the Department of Health; providing the
12 Department of Health with certain authority
13 with respect to transferred positions;
14 providing for transferring certain funds by
15 interagency agreement; amending s. 20.43, F.S.;
16 providing responsibility of the Department of
17 Health to provide child abuse prevention
18 services and services to abused and neglected
19 children through the teams and program;
20 amending ss. 39.4031, 39.4032, and 39.408,
21 F.S., relating to children and family case plan
22 requirements and case staffing, and hearings
23 for dependency cases; providing for
24 coordination with the child protection teams of
25 the Department of Health; amending ss. 119.07,
26 415.50175, and 415.51, F.S.; providing
27 confidentiality under existing public records
28 exemptions for records of child protection
29 teams and personnel thereof; amending ss.
30 415.50171, 415.5018, 415.503, 415.5055, and
31 415.5095, F.S.; clarifying respective

1 responsibilities of the Department of Health
2 and the Department of Children and Family
3 Services, relating to child abuse and neglect
4 cases, policy, and procedures, to child
5 protection teams, and to child sexual abuse
6 cases, pursuant to the transfer of
7 responsibilities under the act; providing
8 duties of the Division of Children's Medical
9 Services; deleting requirements that child
10 protection teams be capable of providing
11 short-term psychological treatment; amending s.
12 415.501, F.S.; revising participants in the
13 state plan for prevention of child abuse and
14 neglect; repealing s. 415.5075, F.S., relating
15 to rulemaking; providing an effective date.

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

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19 Section 1. Paragraph (b) of subsection (4) of section
20 20.19, Florida Statutes, is amended to read:

21 20.19 Department of Children and Family
22 Services.--There is created a Department of Children and
23 Family Services.

24 (4) PROGRAM OFFICES.--

25 (b) The following program offices are established and
26 may be consolidated, restructured, or rearranged by the
27 secretary; provided any such consolidation, restructuring, or
28 rearranging is for the purpose of encouraging service
29 integration through more effective and efficient performance
30 of the program offices or parts thereof:

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1 1. Economic Self-Sufficiency Program Office.--The
2 responsibilities of this office encompass income support
3 programs within the department, such as temporary assistance
4 to families with dependent children, food stamps, welfare
5 reform, and state supplementation of the supplemental security
6 income (SSI) program.

7 2. Developmental Services Program Office.--The
8 responsibilities of this office encompass programs operated by
9 the department for developmentally disabled persons.
10 Developmental disabilities include any disability defined in
11 s. 393.063.

12 3. Children and Families Program Office.--The
13 responsibilities of this program office encompass early
14 intervention services for children and families at risk;
15 intake services for protective investigation of abandoned,
16 abused, and neglected children; interstate compact on the
17 placement of children programs; adoption; child care;
18 out-of-home care programs and other specialized services to
19 families; ~~and child protection and sexual abuse treatment~~
20 ~~teams created under chapter 415, excluding medical direction~~
21 ~~functions.~~

22 4. Alcohol, Drug Abuse, and Mental Health Program
23 Office.--The responsibilities of this office encompass all
24 alcohol, drug abuse, and mental health programs operated by
25 the department.

26 Section 2. All powers, duties, functions, records,
27 personnel, property, and unexpended balances of
28 appropriations, allocations, and other funds of the Department
29 of Children and Family Services relating to the child abuse
30 prevention program created under s. 415.501, Florida Statutes,
31 and services to abused and neglected children provided through

1 the child protection teams and sexual abuse treatment program
2 created under part IV of chapter 415, Florida Statutes, are
3 transferred to the Department of Health by a type two transfer
4 as defined in s. 20.06, Florida Statutes, and shall include by
5 interagency agreement all funds in support of the child abuse
6 prevention program which are derived in whole or part from
7 federal funds. The Department of Health may organize,
8 classify, and manage the positions transferred in a manner
9 that will reduce duplication, achieve maximum efficiency, and
10 ensure accountability.

11 Section 3. Paragraph (h) of subsection (1) of section
12 20.43, Florida Statutes, is amended to read:

13 20.43 Department of Health.--There is created a
14 Department of Health.

15 (1) The purpose of the Department of Health is to
16 promote and protect the health of all residents and visitors
17 in the state through organized state and community efforts,
18 including cooperative agreements with counties. The
19 department shall:

20 (h) Provide child abuse prevention services and
21 services to abused and neglected children through child
22 protection teams and sexual abuse treatment programs.~~Provide~~
23 ~~medical direction for child protection team and sexual abuse~~
24 ~~treatment functions created under chapter 415.~~

25 Section 4. Paragraph (j) of subsection (4) of section
26 39.4031, Florida Statutes, is amended to read:

27 39.4031 Case plan requirements.--

28 (4) When the child is receiving services in a
29 placement outside the child's home or in foster care, the case
30 plan must be prepared within 30 days after placement and also
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1 be approved by the court and must include, in addition to the
2 requirements in subsections (2) and (3), at a minimum:

3 (j) A written notice to the parent that failure of the
4 parent to substantially comply with the case plan may result
5 in the termination of parental rights, and that a material
6 failure to substantially comply may result in the filing of a
7 petition for termination of parental rights sooner than the
8 compliance periods set forth in the case plan itself. The
9 ~~child protection team shall coordinate its effort with the~~
10 case staffing committee shall coordinate its efforts with the
11 child protection team of the Department of Health.

12 Section 5. Paragraph (4) of section 39.4032, Florida
13 Statutes, is amended to read:

14 39.4032 Multidisciplinary case staffing.--

15 (4) The case staffing committee shall coordinate its
16 effort with the child protection team of the Department of
17 Health.

18 Section 6. Paragraph (a) of subsection (3) of section
19 39.408, Florida Statutes, is amended to read:

20 39.408 Hearings for dependency cases.--

21 (3) DISPOSITION HEARING.--At the disposition hearing,
22 if the court finds that the facts alleged in the petition for
23 dependency were proven in the adjudicatory hearing, or if the
24 parents have consented to the finding of dependency or
25 admitted the allegations in the petition, have failed to
26 appear for the arraignment hearing after proper notice, or
27 have not been located despite a diligent search having been
28 conducted, the court shall receive and consider a
29 predisposition study, which must be in writing and presented
30 by an authorized agent of the department.

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1 (a) The predisposition study shall cover for any
2 dependent child all factors specified in s. 61.13(3), and must
3 also provide the court with the following documented
4 information:

5 1. An assessment defining the dangers and risks of
6 returning the child home, including a description of the
7 changes in and resolutions to the initial risks.

8 2. A description of what risks are still present and
9 what resources are available and will be provided for the
10 protection and safety of the child.

11 3. A description of the benefits of returning the
12 child home.

13 4. A description of all unresolved issues.

14 5. An abuse registry history for all caretakers,
15 family members, and individuals residing within the household.

16 6. The complete ~~child protection team~~ report and
17 recommendation of the child protection team of the Department
18 of Health or, if no report exists, a statement reflecting that
19 no report has been made.

20 7. All opinions or recommendations from other
21 professionals or agencies that provide evaluative, social,
22 reunification, or other services to the family.

23 8. The availability of appropriate prevention and
24 reunification services for the family to prevent the removal
25 of the child from the home or to reunify the child with the
26 family after removal, including the availability of family
27 preservation services through the Family Builders Program, the
28 Intensive Crisis Counseling Program, or both.

29 9. The inappropriateness of other prevention and
30 reunification services that were available.

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1 10. The efforts by the department to prevent
2 out-of-home placement of the child or, when applicable, to
3 reunify the family if appropriate services were available,
4 including the application of intensive family preservation
5 services through the Family Builders Program, the Intensive
6 Crisis Counseling Program, or both.

7 11. Whether the services were provided to the family
8 and child.

9 12. If the services were provided, whether they were
10 sufficient to meet the needs of the child and the family and
11 to enable the child to remain at home or to be returned home.

12 13. If the services were not provided, the reasons for
13 such lack of action.

14 14. The need for, or appropriateness of, continuing
15 the services if the child remains in the custody of the family
16 or if the child is placed outside the home.

17 15. Whether family mediation was provided.

18 16. Whether a multidisciplinary case staffing was
19 conducted and, if so, the results.

20 17. If the child has been removed from the home and
21 there is a parent who may be considered for custody pursuant
22 to s. 39.41(1), a recommendation as to whether placement of
23 the child with that parent would be detrimental to the child.

24 Section 7. Paragraph (i) of subsection (3) of section
25 119.07, Florida Statutes, is amended to read:

26 119.07 Inspection, examination, and duplication of
27 records; exemptions.--

28 (3)

29 (i)1. The home addresses, telephone numbers, social
30 security numbers, and photographs of active or former law
31 enforcement personnel, including correctional and correctional

1 probation officers, personnel of the Department of Children
2 and Family Health and Rehabilitative Services whose duties
3 include the investigation of abuse, neglect, exploitation,
4 fraud, theft, or other criminal activities, personnel of the
5 Department of Health whose duties are to support the
6 investigation of child abuse or neglect,and personnel of the
7 Department of Revenue or local governments whose
8 responsibilities include revenue collection and enforcement or
9 child support enforcement; the home addresses, telephone
10 numbers, social security numbers, photographs, and places of
11 employment of the spouses and children of such personnel; and
12 the names and locations of schools and day care facilities
13 attended by the children of such personnel are exempt from the
14 provisions of subsection (1). The home addresses, telephone
15 numbers, and photographs of firefighters certified in
16 compliance with s. 633.35; the home addresses, telephone
17 numbers, photographs, and places of employment of the spouses
18 and children of such firefighters; and the names and locations
19 of schools and day care facilities attended by the children of
20 such firefighters are exempt from subsection (1). The home
21 addresses and telephone numbers of justices of the Supreme
22 Court, district court of appeal judges, circuit court judges,
23 and county court judges; the home addresses, telephone
24 numbers, and places of employment of the spouses and children
25 of justices and judges; and the names and locations of schools
26 and day care facilities attended by the children of justices
27 and judges are exempt from the provisions of subsection (1).
28 The home addresses, telephone numbers, social security
29 numbers, and photographs of current or former state attorneys,
30 assistant state attorneys, statewide prosecutors, or assistant
31 statewide prosecutors; the home addresses, telephone numbers,

1 social security numbers, photographs, and places of employment
2 of the spouses and children of current or former state
3 attorneys, assistant state attorneys, statewide prosecutors,
4 or assistant statewide prosecutors; and the names and
5 locations of schools and day care facilities attended by the
6 children of current or former state attorneys, assistant state
7 attorneys, statewide prosecutors, or assistant statewide
8 prosecutors are exempt from subsection (1) and s. 24(a), Art.
9 I of the State Constitution. The home addresses and home
10 telephone numbers of county and municipal code inspectors and
11 code enforcement officers are confidential and exempt from the
12 provisions of subsection (1) and s. 24(a), Art. I of the State
13 Constitution.

14 2. An agency that is the custodian of the personal
15 information specified in subparagraph 1. and that is not the
16 employer of the officer, employee, justice, judge, or other
17 person specified in subparagraph 1. shall maintain the
18 confidentiality of the personal information only if the
19 officer, employee, justice, judge, other person, or employing
20 agency of the designated employee submits a written request
21 for confidentiality to the custodial agency.

22 Section 8. Subsection (3) of section 415.501, Florida
23 Statutes, is amended to read:

24 415.501 Prevention of abuse and neglect of children;
25 state plan.--

26 (3) FUNDING AND SUBSEQUENT PLANS.--

27 (a) All budget requests submitted by the Department of
28 Health, the Department of Children and Family Services, the
29 Department of Education, or any other agency to the
30 Legislature for funding of efforts for the prevention of child
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1 abuse and neglect shall be based on the state plan developed
2 pursuant to this section.

3 (b) The Department of Health ~~Children and Family~~
4 ~~Services~~ at the state and local ~~district~~ levels and the other
5 agencies listed in paragraph (2)(a) shall readdress the plan
6 and make necessary revisions every 5 years, at a minimum. Such
7 revisions shall be submitted to the Speaker of the House of
8 Representatives and the President of the Senate no later than
9 June 30 of each year divisible by 5. An annual progress
10 report shall be submitted to update the plan in the years
11 between the 5-year intervals. In order to avoid duplication
12 of effort, these required plans may be made a part of or
13 merged with other plans required by either the state or
14 Federal Government, so long as the portions of the other state
15 or Federal Government plan that constitute the state plan for
16 the prevention of child abuse and neglect are clearly
17 identified as such and are provided to the Speaker of the
18 House of Representatives and the President of the Senate as
19 required above.

20 Section 9. Paragraphs (c) and (e) of subsection (2) of
21 section 415.50171, Florida Statutes, are amended to read:

22 415.50171 Family services response system; reports of
23 child-on-child sexual abuse.--

24 (2) District staff, at a minimum, shall adhere to the
25 following procedures:

26 (c) The assessment of risk and the perceived treatment
27 needs of the alleged juvenile sexual offender, the victim, and
28 respective caregivers shall be conducted by the district
29 staff, the child protection team of the Department of Health,
30 and other providers under contract with the department to
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1 provide services to the caregiver of the alleged offender, the
2 victim, and the victim's caregiver.

3 (e) When necessary, the child protection team of the
4 Department of Health shall conduct a ~~an evidence-gathering~~
5 physical examination of the victim which is sufficient to meet
6 forensic requirements.

7 Section 10. Section 415.50175, Florida Statutes, is
8 amended to read:

9 415.50175 Confidentiality of records.--

10 (1) The department and the Department of Health shall
11 make and keep records of all cases brought before them ~~it~~
12 pursuant to this part and shall preserve the records
13 pertaining to a child and family until 7 years after the last
14 entry was made or until the child is 18 years of age,
15 whichever date is first reached, and may then destroy the
16 records.

17 (2) Department and Department of Health records
18 required by this part are confidential and are exempt from the
19 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
20 Constitution and, notwithstanding the provisions of s. 415.51,
21 may be inspected only upon order of the court or as provided
22 for in this section. Confidential records and information
23 provided pursuant to the provisions of this section shall
24 remain confidential and exempt from the provisions of s.
25 119.07(1) and s. 24(a), Art. I of the State Constitution.

26 (3) Access to records required by this part, excluding
27 the name of the reporter, which shall be released only as
28 provided in s. 415.51(4)~~(9)~~, may be provided to the child, the
29 parent, and their attorney, law enforcement agencies, and,
30 with the consent of the parent, the agency or individual
31 providing services to the child or family.

1 (4) The department and the Department of Health shall
2 provide for access to and use of records required by this part
3 for research or statistical purposes. All requests for such
4 records or information shall require the requesting individual
5 or entity to enter into a privacy and security agreement which
6 provides that the requesting individual or entity shall comply
7 with all laws and rules governing the use of such records and
8 information for research and statistical purposes.

9 Section 11. Subsection (3) of section 415.5018,
10 Florida Statutes, is amended to read:

11 415.5018 District authority and responsibilities.--

12 (3) CHILD PROTECTIVE INVESTIGATION; COUNTY SHERIFF'S
13 OFFICE OR LOCAL POLICE DEPARTMENT OPTION.--Within existing
14 resources, a district, with the approval of the district
15 health and human services board, and the secretary of the
16 department, after consultation with the Division of Children's
17 Medical Services of the Department of Health, shall enter into
18 an agreement with a county sheriff's office or local police
19 department that is jurisdictionally responsible to allow such
20 law enforcement entity to assume a lead in conducting any
21 potential criminal investigations as well as partial or full
22 responsibility for conducting certain components of protective
23 investigations under ss. 415.502-415.514 that are related to
24 cases involving a criminal investigation. The written
25 agreement must specify how the requirements of ss.
26 415.502-415.514 will be met. For the purposes of such
27 agreement, the jurisdictionally responsible law enforcement
28 entity is authorized to share Florida criminal history
29 information that is not otherwise exempt from s. 119.07(1)
30 with the local and district personnel directly responsible for
31 child protective investigation and emergency child placement.

1 The agencies entering into such agreement must comply with s.
2 943.0525 to the extent applicable. Criminal justice
3 information provided by such law enforcement entity shall be
4 used only for the purposes specified in the agreement and
5 shall be provided at no charge.

6 (a) The agreement between the district and the county
7 sheriff's office or local police department must include the
8 following assurances and information:

9 1. Assurance that the county sheriff's office or local
10 police department will be in compliance with the procedural
11 requirements of ss. 415.502-415.514.

12 2. Description of a protocol between the district and
13 the county sheriff's office or local police department that at
14 a minimum addresses the following:

15 a. Response to reports of abuse and neglect.

16 b. Investigations.

17 c. Assessment of risk.

18 d. Evidence gathering.

19 e. Classification of reports.

20 f. Appeals of classifications.

21 g. Communication and involvement with the state
22 attorney.

23 h. Confidentiality of reports and access to
24 information.

25 i. Utilization of the child protection team of the
26 Department of Health.

27 j. Storage and maintenance of records and other
28 information.

29 3. Description of the transition of responsibility
30 that assures the integrity and continuity of protective
31 investigations.

1 4. Description of any necessary changes to department
2 rules.

3 (b) County sheriff's office or local police department
4 personnel assuming responsibility for conducting certain
5 components of protective investigations shall receive training
6 from the department relevant to child protective
7 investigations and services.

8 (c) The secretary of the department shall dispose of a
9 proposed agreement by approving or disapproving the agreement
10 between a district and the county sheriff's office or local
11 police department within 60 days after receipt. The secretary
12 may negotiate modifications within this 60-day period.

13 Section 12. Subsection (5) of section 415.503, Florida
14 Statutes, is amended to read:

15 415.503 Definitions of terms used in ss.
16 415.502-415.514.--As used in ss. 415.502-415.514:

17 (5) "Child protection team" means a team of
18 professionals established by the Department of Health to
19 receive referrals from the protective investigators and
20 protective supervision staff of the children, youth, and
21 families program and to provide specialized and supportive
22 services to the program in processing child abuse and neglect
23 cases. A child protection team shall provide consultation to
24 other programs of the department and other persons on child
25 abuse and neglect cases pursuant to s. 415.5055(1)(g).

26 Section 13. Section 415.5055, Florida Statutes, is
27 amended to read:

28 415.5055 Child protection teams; services; eligible
29 cases.--The Division of Children's Medical Services of the
30 Department of Health shall develop, maintain, and coordinate
31 the services of one or more multidisciplinary child protection

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

20 (1) The Department of Health shall utilize and convene
21 the teams to supplement the assessment and protective
22 supervision activities of the children, ~~youth,~~ and families
23 program of the Department of Children and Family Services.
24 Nothing in this section shall be construed to remove or reduce
25 the duty and responsibility of any person to report pursuant
26 to s. 415.504 all suspected or actual cases of child abuse or
27 neglect or sexual abuse of a child. The role of the teams
28 shall be to support activities of the program and to provide
29 services deemed by the teams to be necessary and appropriate
30 to abused and neglected children upon referral. The
31 specialized diagnostic assessment, evaluation, coordination,

1 consultation, and other supportive services that a child
2 protection team shall be capable of providing include, but are
3 not limited to, the following:

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

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

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

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

18 ~~(e) Short-term psychological treatment. It is the~~
19 ~~intent of the Legislature that short-term psychological~~
20 ~~treatment be limited to no more than 6 months' duration after~~
21 ~~treatment is initiated, except that the appropriate district~~
22 ~~administrator may authorize such treatment for individual~~
23 ~~children beyond this limitation if the administrator deems it~~
24 ~~appropriate.~~

25 (e)(f) Expert medical, psychological, and related
26 professional testimony in court cases.

27 (f)(g) Case staffings to develop, implement, and
28 monitor treatment plans for children whose cases have been
29 referred to the team. A child protection team may provide
30 consultation with respect to a child who has not been referred
31 to the team, but who is alleged or is shown to be abused,

1 which consultation shall be provided at the request of a
2 representative of the children,~~youth~~,and families program or
3 at the request of any other professional involved with a child
4 or the child's parent or parents, guardian or guardians, or
5 other caregivers. In every such child protection team case
6 staffing, consultation, or staff activity involving a child, a
7 children,~~youth~~,and families program representative shall
8 attend and participate.

9 (g)~~(h)~~ Case service coordination and assistance,
10 including the location of services available from other public
11 and private agencies in the community.

12 (h)~~(i)~~ Such training services for program and other
13 department employees of the Department of Children and Family
14 Services, and employees of the Department of Health,as is
15 deemed appropriate to enable them to develop and maintain
16 their professional skills and abilities in handling child
17 abuse and neglect cases.

18 (i)~~(j)~~ Educational and community awareness campaigns
19 on child abuse and neglect in an effort to enable citizens
20 more successfully to prevent, identify, and treat child abuse
21 and neglect in the community.

22 (2) The child abuse and neglect cases that are
23 appropriate for referral by the children,~~youth~~,and families
24 program to child protection teams of the Department of Health
25 for support services as set forth in subsection (1) include,
26 but are not limited to, cases involving:

27 (a) Bruises, burns, or fractures in a child under the
28 age of 3 years or in a nonambulatory child of any age.

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

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1 (c) Sexual abuse of a child in which vaginal or anal
2 penetration is alleged or in which other unlawful sexual
3 conduct has been determined to have occurred.

4 (d) Venereal disease, or any other sexually
5 transmitted disease, in a prepubescent child.

6 (e) Reported malnutrition of a child and failure of a
7 child to thrive.

8 (f) Reported medical, physical, or emotional neglect
9 of a child.

10 (g) Any family in which one or more children have been
11 pronounced dead on arrival at a hospital or other health care
12 facility, or have been injured and later died, as a result of
13 suspected abuse or neglect, when any sibling or other child
14 remains in the home.

15 (h) Symptoms of serious emotional problems in a child
16 when emotional or other abuse or neglect is suspected.

17 (3) All records and reports of the child protection
18 team are confidential and exempt from the provisions of ss.
19 119.07(1) and 455.667 ~~455.241~~, and shall not be disclosed,
20 except, upon request, to the state attorney, law enforcement,
21 the Department of Children and Family Services, the Department
22 of Health, and necessary professionals, in furtherance of the
23 treatment or additional evaluative needs of the child or by
24 order of the court.

25
26 In all instances in which a child protection team is providing
27 certain services to abused or neglected children, other
28 offices and units of the Department of Health, and offices and
29 units of the Department of Children and Family Services, shall
30 avoid duplicating the provision of those services.

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1 Section 14. Subsection (2) of section 415.5095,
2 Florida Statutes, is amended to read:

3 415.5095 Intervention and treatment in sexual abuse
4 cases; model plan.--

5 (2) The Department of Health ~~Children and Family~~
6 ~~Services~~ shall develop a model plan for community intervention
7 and treatment of intrafamily sexual abuse in conjunction with
8 the Department of Children and Family Services, the Department
9 of Law Enforcement, the Department of Education, the Attorney
10 General, the state Guardian Ad Litem Program, the Department
11 of Corrections, representatives of the judiciary, and
12 professionals and advocates from the mental health and child
13 welfare community.

14 Section 15. Subsection (5) of section 415.51, Florida
15 Statutes, is amended to read:

16 415.51 Confidentiality of reports and records in cases
17 of child abuse or neglect.--

18 (5) All records and reports of the child protection
19 team of the Department of Health are confidential and exempt
20 from the provisions of ss. 119.07(1) and 455.667 ~~455.241~~, and
21 shall not be disclosed, except, upon request, to the state
22 attorney, law enforcement, the department, and necessary
23 professionals, in furtherance of the treatment or additional
24 evaluative needs of the child or by order of the court.

25 Section 16. Section 415.5075, Florida Statutes, is
26 repealed.

27 Section 17. This act shall take effect October 1,
28 1998.

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SENATE SUMMARY

Deletes references to child protection and sexual abuse treatment teams from the responsibilities of the Children and Families Program Office of the Department of Children and Family Services. Transfers all powers and duties relating to child abuse prevention services, the child protection teams, and the sexual abuse treatment program to the Department of Health. Provides the Department of Health with certain authority with respect to transferred positions. Provides for transferring certain funds by interagency agreement. Provides for the responsibility of the Department of Health to provide child abuse prevention services and services to abused and neglected children through the teams and program. Provides for coordination with the child protection teams of the Department of Health in matters relating to children and family case plan requirements and case staffing, and hearings for dependency cases. Provides confidentiality under existing public records exemptions for records of child protection teams and personnel thereof. Clarifies the respective responsibilities of the Department of Health and the Department of Children and Family Services, relating to child abuse and neglect cases, policy, and procedures, to child protection teams, and to child sexual abuse cases, pursuant to the transfer of responsibilities under the act. Provides duties of the Division of Children's Medical Services. Deletes requirements that child protection teams be capable of providing short-term psychological treatment. Revises the list of participants in the state plan for prevention of child abuse and neglect. Repeals s. 415.5075, F.S., relating to rulemaking.