

By the Committee on Health Care and Senators Myers, Grant, Bronson, Latvala, Meadows, Horne, Gutman, Turner, Cowin and Dudley

317-2136A-98

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 the child
9 protection teams and the sexual abuse treatment
10 program to the Department of Health; providing
11 the Department of Health with certain authority
12 with respect to transferred positions; amending
13 s. 20.43, F.S.; providing responsibility of the
14 Department of Health to provide services to
15 abused and neglected children through the teams
16 and program; amending ss. 39.4031, 39.4032, and
17 39.408, F.S., relating to children and family
18 case plan requirements and case staffing, and
19 hearings for dependency cases; providing for
20 coordination with the child protection teams of
21 the Department of Health; amending ss. 119.07,
22 415.50175, and 415.51, F.S.; providing
23 confidentiality under existing public records
24 exemptions for records of child protection
25 teams and personnel thereof; amending ss.
26 415.50171, 415.5018, 415.503, 415.5055, and
27 415.5095, F.S.; clarifying respective
28 responsibilities of the Department of Health
29 and the Department of Children and Family
30 Services, relating to child abuse and neglect
31 cases, policy, and procedures, to child

1 protection teams, and to child sexual abuse
2 cases, pursuant to the transfer of
3 responsibilities under the act; providing
4 duties of the Division of Children's Medical
5 Services; deleting requirements that child
6 protection teams be capable of providing
7 short-term psychological treatment; amending s.
8 415.501, F.S.; revising participants in the
9 state plan for prevention of child abuse and
10 neglect; creating s. 415.515, F.S.; authorizing
11 rulemaking by the Department of Health;
12 repealing s. 415.5075, F.S., relating to
13 rulemaking; requiring a memorandum of agreement
14 between the Department of Children and Family
15 Services and the Department of Health;
16 providing an effective date.

17

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

19

20 Section 1. Paragraph (b) of subsection (4) of section
21 20.19, Florida Statutes, is amended to read:

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

25 (4) PROGRAM OFFICES.--

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

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 services to abused
30 and neglected children provided through the child protection
31 teams and sexual abuse treatment program created under part IV

1 of chapter 415, Florida Statutes, are transferred to the
2 Department of Health by a type two transfer as defined in s.
3 20.06, Florida Statutes. The Department of Health may
4 organize, classify, and manage the positions transferred in a
5 manner that will reduce duplication, achieve maximum
6 efficiency, and ensure accountability.

7 Section 3. Paragraph (h) of subsection (1) of section
8 20.43, Florida Statutes, is amended to read:

9 20.43 Department of Health.--There is created a
10 Department of Health.

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

16 (h) Provide services to abused and neglected children
17 through child protection teams and sexual abuse treatment
18 programs.~~Provide medical direction for child protection team~~
19 ~~and sexual abuse treatment functions created under chapter~~
20 ~~415.~~

21 Section 4. Paragraph (j) of subsection (4) of section
22 39.4031, Florida Statutes, is amended to read:

23 39.4031 Case plan requirements.--

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

29 (j) A written notice to the parent that failure of the
30 parent to substantially comply with the case plan may result
31 in the termination of parental rights, and that a material

1 failure to substantially comply may result in the filing of a
2 petition for termination of parental rights sooner than the
3 compliance periods set forth in the case plan itself. The
4 ~~child protection team shall coordinate its effort with the~~
5 case staffing committee shall coordinate its efforts with the
6 child protection team of the Department of Health.

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

9 39.4032 Multidisciplinary case staffing.--

10 (4) The case staffing committee shall coordinate its
11 effort with the child protection team of the Department of
12 Health.

13 Section 6. Paragraph (a) of subsection (3) of section
14 39.408, Florida Statutes, is amended to read:

15 39.408 Hearings for dependency cases.--

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

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

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- 1 1. An assessment defining the dangers and risks of
2 returning the child home, including a description of the
3 changes in and resolutions to the initial risks.
- 4 2. A description of what risks are still present and
5 what resources are available and will be provided for the
6 protection and safety of the child.
- 7 3. A description of the benefits of returning the
8 child home.
- 9 4. A description of all unresolved issues.
- 10 5. An abuse registry history for all caretakers,
11 family members, and individuals residing within the household.
- 12 6. The complete ~~child protection team~~ report and
13 recommendation of the child protection team of the Department
14 of Health or, if no report exists, a statement reflecting that
15 no report has been made.
- 16 7. All opinions or recommendations from other
17 professionals or agencies that provide evaluative, social,
18 reunification, or other services to the family.
- 19 8. The availability of appropriate prevention and
20 reunification services for the family to prevent the removal
21 of the child from the home or to reunify the child with the
22 family after removal, including the availability of family
23 preservation services through the Family Builders Program, the
24 Intensive Crisis Counseling Program, or both.
- 25 9. The inappropriateness of other prevention and
26 reunification services that were available.
- 27 10. The efforts by the department to prevent
28 out-of-home placement of the child or, when applicable, to
29 reunify the family if appropriate services were available,
30 including the application of intensive family preservation
31

1 services through the Family Builders Program, the Intensive
2 Crisis Counseling Program, or both.

3 11. Whether the services were provided to the family
4 and child.

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

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

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

13 15. Whether family mediation was provided.

14 16. Whether a multidisciplinary case staffing was
15 conducted and, if so, the results.

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

20 Section 7. Paragraph (i) of subsection (3) of section
21 119.07, Florida Statutes, is amended to read:

22 119.07 Inspection, examination, and duplication of
23 records; exemptions.--

24 (3)

25 (i)1. The home addresses, telephone numbers, social
26 security numbers, and photographs of active or former law
27 enforcement personnel, including correctional and correctional
28 probation officers, personnel of the Department of Children
29 and Family Health and Rehabilitative Services whose duties
30 include the investigation of abuse, neglect, exploitation,
31 fraud, theft, or other criminal activities, personnel of the

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

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

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

18 | Section 8. Subsection (3) of section 415.501, Florida
19 | Statutes, is amended to read:

20 | 415.501 Prevention of abuse and neglect of children;
21 | state plan.--

22 | (3) FUNDING AND SUBSEQUENT PLANS.--

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

29 | (b) The Department of Children and Family Services at
30 | the state and district levels and the other agencies listed in
31 | paragraph (2)(a) shall readdress the plan and make necessary

1 revisions every 5 years, at a minimum. Such revisions shall be
2 submitted to the Speaker of the House of Representatives and
3 the President of the Senate no later than June 30 of each year
4 divisible by 5. An annual progress report shall be submitted
5 to update the plan in the years between the 5-year intervals.
6 In order to avoid duplication of effort, these required plans
7 may be made a part of or merged with other plans required by
8 either the state or Federal Government, so long as the
9 portions of the other state or Federal Government plan that
10 constitute the state plan for the prevention of child abuse
11 and neglect are clearly identified as such and are provided to
12 the Speaker of the House of Representatives and the President
13 of the Senate as required above.

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

16 415.50171 Family services response system; reports of
17 child-on-child sexual abuse.--

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

20 (c) The assessment of risk and the perceived treatment
21 needs of the alleged juvenile sexual offender, the victim, and
22 respective caregivers shall be conducted by the district
23 staff, the child protection team of the Department of Health,
24 and other providers under contract with the department to
25 provide services to the caregiver of the alleged offender, the
26 victim, and the victim's caregiver.

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

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1 Section 10. Section 415.50175, Florida Statutes, is
2 amended to read:

3 415.50175 Confidentiality of records.--

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

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

20 (3) Access to records required by this part, excluding
21 the name of the reporter, which shall be released only as
22 provided in s. 415.51~~(4)(9)~~, may be provided to the child, the
23 parent, and their attorney, law enforcement agencies, and,
24 with the consent of the parent, the agency or individual
25 providing services to the child or family.

26 (4) The department and the Department of Health shall
27 provide for access to and use of records required by this part
28 for research or statistical purposes. All requests for such
29 records or information shall require the requesting individual
30 or entity to enter into a privacy and security agreement which
31 provides that the requesting individual or entity shall comply

1 with all laws and rules governing the use of such records and
2 information for research and statistical purposes.

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

5 415.5018 District authority and responsibilities.--

6 (3) CHILD PROTECTIVE INVESTIGATION; COUNTY SHERIFF'S
7 OFFICE OR LOCAL POLICE DEPARTMENT OPTION.--Within existing
8 resources, a district, with the approval of the district
9 health and human services board, and the secretary of the
10 department, after consultation with the Division of Children's
11 Medical Services of the Department of Health, shall enter into
12 an agreement with a county sheriff's office or local police
13 department that is jurisdictionally responsible to allow such
14 law enforcement entity to assume a lead in conducting any
15 potential criminal investigations as well as partial or full
16 responsibility for conducting certain components of protective
17 investigations under ss. 415.502-415.514 that are related to
18 cases involving a criminal investigation. The written
19 agreement must specify how the requirements of ss.
20 415.502-415.514 will be met. For the purposes of such
21 agreement, the jurisdictionally responsible law enforcement
22 entity is authorized to share Florida criminal history
23 information that is not otherwise exempt from s. 119.07(1)
24 with the local and district personnel directly responsible for
25 child protective investigation and emergency child placement.
26 The agencies entering into such agreement must comply with s.
27 943.0525 to the extent applicable. Criminal justice
28 information provided by such law enforcement entity shall be
29 used only for the purposes specified in the agreement and
30 shall be provided at no charge.

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

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

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

10 a. Response to reports of abuse and neglect.

11 b. Investigations.

12 c. Assessment of risk.

13 d. Evidence gathering.

14 e. Classification of reports.

15 f. Appeals of classifications.

16 g. Communication and involvement with the state
17 attorney.

18 h. Confidentiality of reports and access to
19 information.

20 i. Utilization of the child protection team of the
21 Department of Health.

22 j. Storage and maintenance of records and other
23 information.

24 3. Description of the transition of responsibility
25 that assures the integrity and continuity of protective
26 investigations.

27 4. Description of any necessary changes to department
28 rules.

29 (b) County sheriff's office or local police department
30 personnel assuming responsibility for conducting certain
31 components of protective investigations shall receive training

1 from the department relevant to child protective
2 investigations and services.

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

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

10 415.503 Definitions of terms used in ss.
11 415.502-415.514.--As used in ss. 415.502-415.514:

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

22 Section 13. Section 415.5055, Florida Statutes, is
23 amended to read:

24 415.5055 Child protection teams; services; eligible
25 cases.--The Division of Children's Medical Services of the
26 Department of Health shall develop, maintain, and coordinate
27 the services of one or more multidisciplinary child protection
28 teams in each of the service districts of the Department of
29 Children and Family Services. Such teams may be composed of
30 representatives of appropriate health, mental health, social
31 service, legal service, and law enforcement agencies. The

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

16 (1) The Department of Health shall utilize and convene
17 the teams to supplement the assessment and protective
18 supervision activities of the family safety and preservation
19 ~~children, youth, and families~~ program of the Department of
20 Children and Family Services. Nothing in this section shall
21 be construed to remove or reduce the duty and responsibility
22 of any person to report pursuant to s. 415.504 all suspected
23 or actual cases of child abuse or neglect or sexual abuse of a
24 child. The role of the teams shall be to support activities
25 of the program and to provide services deemed by the teams to
26 be necessary and appropriate to abused and neglected children
27 upon referral. The specialized diagnostic assessment,
28 evaluation, coordination, consultation, and other supportive
29 services that a child protection team shall be capable of
30 providing include, but are not limited to, the following:

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

5 (b) Telephone consultation services in emergencies and
6 in other situations.

7 (c) Medical evaluation related to abuse or neglect, as
8 defined by ~~department~~ policy or rule of the Department of
9 Health.

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

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

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

24 (f)(g) Case staffings to develop, ~~implement, and~~
25 ~~monitor~~ treatment plans for children whose cases have been
26 referred to the team. A child protection team may provide
27 consultation with respect to a child ~~who has not been referred~~
28 ~~to the team, but~~ who is alleged or is shown to be abused,
29 which consultation shall be provided at the request of a
30 representative of the family safety and preservation children,
31 ~~youth, and families~~ program or at the request of any other

1 professional involved with a child or the child's parent or
2 parents, guardian or guardians, or other caregivers. In every
3 such child protection team case staffing, consultation, or
4 staff activity involving a child, a family safety and
5 preservation children, youth, and families program
6 representative shall attend and participate.

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

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

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

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

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

28 (b) Unexplained or implausibly explained bruises,
29 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.

31

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 415.515, Florida Statutes, is
26 created to read:

27 415.515 Rules for implementation of ss. 415.5055 and
28 415.5095.--The Department of Health, in consultation with the
29 Department of Children and Family Services, shall adopt rules
30 governing the child protection teams and the sexual abuse
31 treatment program pursuant to ss. 415.5055 and 415.5095,

1 including definitions, organization, roles and
2 responsibilities, eligibility, services and their
3 availability, qualifications of staff, and a waiver-request
4 process.

5 Section 17. A memorandum of agreement shall be
6 developed between the Department of Children and Family
7 Services and the Department of Health that specifies how the
8 teams will work with child protective investigation and
9 service staff, that requires joint oversight by the two
10 departments of the activities of the teams, and that specifies
11 how that oversight will be implemented.

12 Section 18. Section 415.5075, Florida Statutes, is
13 repealed.

14 Section 19. This act shall take effect January 1,
15 1999.

16
17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 Senate Bill 1646

20 Deletes from the bill any reference to the transfer of the
21 child abuse prevention program from the Department of Children
and Family Services to the Department of Health.

22 Authorizes the Department of Health to adopt rules relating to
23 the child protection teams and the sexual abuse treatment
program functions.

24 Requires the Department of Children and Family Services and
25 the Department of Health to develop a memorandum of agreement
26 that specifies: 1) joint oversight by the two departments; 2)
27 how the oversight will be implemented; and 3) how the child
protection teams and sexual abuse treatment program will work
with the child protective investigation and service staff.

28 Changes the effective date of the bill to January 1, 1999.

29 Incorporates numerous technical and clarifying revisions.
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31