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

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

18

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

20

21 Section 1. Paragraph (b) of subsection (4) of section  
22 20.19, Florida Statutes, is amended to read:

23

24 20.19 Department of Children and Family  
25 Services.--There is created a Department of Children and  
26 Family Services.

26

(4) PROGRAM OFFICES.--

27

28 (b) The following program offices are established and  
29 may be consolidated, restructured, or rearranged by the  
30 secretary; provided any such consolidation, restructuring, or  
31 rearranging is for the purpose of encouraging service

31

1 integration through more effective and efficient performance  
2 of the program offices or parts thereof:

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

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

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

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

28 Section 2. All powers, duties, functions, records,  
29 personnel, property, and unexpended balances of  
30 appropriations, allocations, and other funds of the Department  
31 of Children and Family Services relating to services to abused

1 and neglected children provided through the child protection  
2 teams and sexual abuse treatment program created under part IV  
3 of chapter 415, Florida Statutes, are transferred to the  
4 Department of Health, Division of Children's Medical Services,  
5 by a type two transfer as defined in s. 20.06, Florida  
6 Statutes. The Department of Health may organize, classify,  
7 and manage the positions transferred in a manner that will  
8 reduce duplication, achieve maximum efficiency, and ensure  
9 accountability.

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

12 20.43 Department of Health.--There is created a  
13 Department of Health.

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

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

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

26 39.4031 Case plan requirements.--

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

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

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

12           39.4032 Multidisciplinary case staffing.--

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

16           Section 6. Paragraph (a) of subsection (3) of section  
17 39.408, Florida Statutes, is amended to read:

18           39.408 Hearings for dependency cases.--

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

29           (a) The predisposition study shall cover for any  
30 dependent child all factors specified in s. 61.13(3), and must

31

1 also provide the court with the following documented  
2 information:

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

1 including the application of intensive family preservation  
2 services through the Family Builders Program, the Intensive  
3 Crisis Counseling Program, or both.

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

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

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

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

14 15. Whether family mediation was provided.

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

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

21 Section 7. Paragraph (i) of subsection (3) of section  
22 119.07, Florida Statutes, is amended to read:

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

25 (3)

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

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



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

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

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

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

23           (3) FUNDING AND SUBSEQUENT PLANS.--

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

30           (b) The Department of Children and Family Services at  
31 the state and district levels and the other agencies listed in

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

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

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

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

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

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

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.

31

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:  
31

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.

30  
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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.

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