

By the Committee on Health Care Services and  
Representative Albright

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; amending  
14          s. 20.43, F.S.; providing responsibility of the  
15          Department of Health to provide child abuse  
16          prevention services and services to abused and  
17          neglected children through the teams and  
18          program; providing qualifications and  
19          requirements for the Director of Children's  
20          Medical Services of the Department of Health;  
21          amending ss. 39.4031, 39.4032, and 39.408,  
22          F.S., relating to children and family case plan  
23          requirements and case staffing, and hearings  
24          for dependency cases; providing for  
25          coordination with the child protection teams of  
26          the Department of Health; amending ss. 119.07,  
27          415.50175, and 415.51, F.S.; providing  
28          confidentiality under existing public records  
29          exemptions for records of child protection  
30          teams and personnel thereof; amending ss.  
31          154.067, 232.50, 395.1023, 415.50171, 415.5018,

1 415.502, 415.503, 415.5055, 415.507, and  
2 415.5095, F.S.; clarifying respective  
3 responsibilities of the Department of Health  
4 and the Department of Children and Family  
5 Services, relating to child abuse and neglect  
6 cases, policy, and procedures, to child  
7 protection teams, and to child sexual abuse  
8 cases, pursuant to the transfer of  
9 responsibilities under the act; providing  
10 duties of the Division of Children's Medical  
11 Services; amending s. 415.501, F.S.; revising  
12 participants in the state plan for prevention  
13 of child abuse and neglect; amending s.  
14 415.514, F.S.; providing for rules of the  
15 Department of Health; repealing s. 415.5075,  
16 F.S., relating to rulemaking; providing an  
17 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, 1996 Supplement, is amended to read:

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

26 (4) PROGRAM OFFICES.--

27 (b) The following program offices are established and  
28 may be consolidated, restructured, or rearranged by the  
29 secretary; provided any such consolidation, restructuring, or  
30 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; and  
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.~~

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

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

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

9           Section 3. Paragraphs (h) through (l) of subsection  
10 (1) of section 20.43, Florida Statutes, 1996 Supplement, are  
11 redesignated as paragraphs (i) through (m), respectively, a  
12 new paragraph (h) is added to said subsection, and paragraph  
13 (e) of subsection (3) of said section is amended, to read:

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

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

21           (h) Provide child abuse prevention services and  
22 services to abused and neglected children through child  
23 protection teams and sexual abuse treatment programs.

24           (3) The following divisions of the Department of  
25 Health are established:

26           (e) Division of Children's Medical Services. The  
27 Director for Children's Medical Services must be a physician  
28 licensed under chapter 458 or chapter 459 who has specialized  
29 training and experience in the provision of medical care to  
30 children and who has recognized skills in leadership and the  
31 promotion of children's health programs. The Director for

1 Children's Medical Services shall be the Deputy Secretary and  
2 Deputy State Health Officer for Children's Medical Services  
3 and is appointed by and reports to the secretary.

4 Section 4. Paragraph (j) of subsection (4) of section  
5 39.4031, Florida Statutes, is amended to read:

6 39.4031 Case plan requirements.--

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

12 (j) A written notice to the parent that failure of the  
13 parent to substantially comply with the case plan may result  
14 in the termination of parental rights, and that a material  
15 failure to substantially comply may result in the filing of a  
16 petition for termination of parental rights sooner than the  
17 compliance periods set forth in the case plan itself. The  
18 ~~child protection team shall coordinate its effort with the~~  
19 case staffing committee shall coordinate its effort with the  
20 child protection team of the Department of Health.

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

23 39.4032 Multidisciplinary case staffing.--

24 (4) The case staffing committee shall coordinate its  
25 effort with the child protection team of the Department of  
26 Health.

27 Section 6. Paragraph (a) of subsection (3) of section  
28 39.408, Florida Statutes, is amended to read:

29 39.408 Hearings for dependency cases.--

30 (3) DISPOSITION HEARING.--At the disposition hearing,  
31 if the court finds that the facts alleged in the petition for

1 dependency were proven in the adjudicatory hearing, or if the  
2 parents have consented to the finding of dependency or  
3 admitted the allegations in the petition, have failed to  
4 appear for the arraignment hearing after proper notice, or  
5 have not been located despite a diligent search having been  
6 conducted, the court shall receive and consider a  
7 predisposition study, which must be in writing and presented  
8 by an authorized agent of the department.

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

13 1. An assessment defining the dangers and risks of  
14 returning the child home, including a description of the  
15 changes in and resolutions to the initial risks.

16 2. A description of what risks are still present and  
17 what resources are available and will be provided for the  
18 protection and safety of the child.

19 3. A description of the benefits of returning the  
20 child home.

21 4. A description of all unresolved issues.

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

24 6. The complete ~~child protection team~~ report and  
25 recommendation of the child protection team of the Department  
26 of Health or, if no report exists, a statement reflecting that  
27 no report has been made.

28 7. All opinions or recommendations from other  
29 professionals or agencies that provide evaluative, social,  
30 reunification, or other services to the family.

31

1           8. The availability of appropriate prevention and  
2 reunification services for the family to prevent the removal  
3 of the child from the home or to reunify the child with the  
4 family after removal, including the availability of family  
5 preservation services through the Family Builders Program, the  
6 Intensive Crisis Counseling Program, or both.

7           9. The inappropriateness of other prevention and  
8 reunification services that were available.

9           10. The efforts by the department to prevent  
10 out-of-home placement of the child or, when applicable, to  
11 reunify the family if appropriate services were available,  
12 including the application of intensive family preservation  
13 services through the Family Builders Program, the Intensive  
14 Crisis Counseling Program, or both.

15           11. Whether the services were provided to the family  
16 and child.

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

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

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

25           15. Whether family mediation was provided.

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

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

1           Section 7. Paragraph (i) of subsection (3) of section  
2 119.07, Florida Statutes, 1996 Supplement, is amended to read:  
3           119.07 Inspection, examination, and duplication of  
4 records; exemptions.--

5           (3)

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



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

22         2. An agency that is the custodian of the personal  
23 information specified in subparagraph 1. and that is not the  
24 employer of the officer, employee, justice, judge, or other  
25 person specified in subparagraph 1. shall maintain the  
26 confidentiality of the personal information only if the  
27 officer, employee, justice, judge, other person, or employing  
28 agency of the designated employee submits a written request  
29 for confidentiality to the custodial agency.

30         Section 8. Section 154.067, Florida Statutes, is  
31 amended to read:

1           154.067 Child abuse and neglect cases; duties.--The  
2 Department of Health ~~and Rehabilitative Services~~ shall, ~~by~~  
3 ~~March 1, 1985,~~ promulgate a rule requiring every county ~~public~~  
4 health department unit, as described in s. 154.01, to adopt a  
5 protocol that, at a minimum, requires the county ~~public~~ health  
6 ~~department unit~~ to:

7           (1) Incorporate in its health department unit policy a  
8 policy that every staff member has an affirmative duty to  
9 report, pursuant to chapter 415, any actual or suspected case  
10 of child abuse or neglect; and

11           (2) In any case involving suspected child abuse or  
12 neglect, designate, at the request of the department, a staff  
13 physician to act as a liaison between the county public health  
14 department unit and the Department of Children and Family  
15 Services office which is investigating the suspected abuse or  
16 neglect, and the child protection team, as defined in s.  
17 415.503, when the case is referred to such a team.

18           Section 9. Section 232.50, Florida Statutes, is  
19 amended to read:

20           232.50 Child abuse and neglect policy.--Every school  
21 board shall ~~by March 1, 1985:~~

22           (1) Post in a prominent place in each school a notice  
23 that, pursuant to chapter 415, all employees or agents of the  
24 district school board have an affirmative duty to report all  
25 actual or suspected cases of child abuse or neglect, have  
26 immunity from liability if they report such cases in good  
27 faith, and have a duty to comply with child protective  
28 investigations and all other provisions of law relating to  
29 child abuse and neglect. The notice shall also include the  
30 statewide toll-free telephone number of the state abuse  
31 registry.

1           (2) Provide that the superintendent, or the  
2 superintendent's designee, at the request of the Department of  
3 Children and Family ~~Health and Rehabilitative~~ Services, will  
4 act as a liaison to the Department of Children and Family  
5 ~~Health and Rehabilitative~~ Services and the child protection  
6 team of the Department of Health, as defined in s. 415.503,  
7 when in a case of suspected child abuse or neglect or an  
8 unlawful sexual offense involving a child the case is referred  
9 to such a team; except that this subsection may in no instance  
10 be construed as relieving or restricting the Department of  
11 Children and Family ~~Health and Rehabilitative~~ Services from  
12 discharging its duty and responsibility under the law to  
13 investigate and report every suspected or actual case of child  
14 abuse or neglect or unlawful sexual offense involving a child.

15  
16 Each district school board shall comply with the provisions of  
17 this section, and such board shall notify the Department of  
18 Education and the Department of Children and Family ~~Health and~~  
19 ~~Rehabilitative~~ Services of its compliance ~~by March 1, 1985~~.

20           Section 10. Section 395.1023, Florida Statutes, is  
21 amended to read:

22           395.1023 Child abuse and neglect cases; duties.--Each  
23 licensed facility shall adopt a protocol that, at a minimum,  
24 requires the facility to:

25           (1) Incorporate a facility policy that every staff  
26 member has an affirmative duty to report, pursuant to chapter  
27 415, any actual or suspected case of child abuse or neglect;  
28 and

29           (2) In any case involving suspected child abuse or  
30 neglect, designate, at the request of the department, a staff  
31 physician to act as a liaison between the hospital and the

1 Department of Children and Family Services office which is  
2 investigating the suspected abuse or neglect, and the child  
3 protection team, as defined in s. 415.503, when the case is  
4 referred to such a team.

5  
6 Each general hospital and appropriate specialty hospital shall  
7 comply with the provisions of this section and shall notify  
8 the agency and the department of its compliance by sending a  
9 copy of its policy to the agency and the department as  
10 required by rule. The failure by a general hospital or  
11 appropriate specialty hospital to comply shall be punished by  
12 a fine not exceeding \$1,000, to be fixed, imposed, and  
13 collected by the agency. Each day in violation is considered  
14 a separate offense.

15 Section 11. Subsections (2) and (3) of section  
16 415.501, Florida Statutes, are amended to read:

17 415.501 Prevention of abuse and neglect of children;  
18 state plan.--

19 (2) PLAN FOR COMPREHENSIVE APPROACH.--

20 (a) The Department of Health ~~and Rehabilitative~~  
21 ~~Services~~ shall develop a state plan for the prevention of  
22 abuse and neglect of children and shall submit the plan to the  
23 Speaker of the House of Representatives, the President of the  
24 Senate, and the Governor ~~no later than January 1, 1983~~. The  
25 Department of Children and Family Services and the Department  
26 of Education shall participate and fully cooperate in the  
27 development of the state plan at both the state and local  
28 levels. Furthermore, appropriate local agencies and  
29 organizations shall be provided an opportunity to participate  
30 in the development of the state plan at the local level.  
31 Appropriate local groups and organizations shall include, but

1 not be limited to, community mental health centers; guardian  
2 ad litem programs for children under the circuit court; the  
3 school boards of the local school districts; the district  
4 human rights advocacy committees; private or public  
5 organizations or programs with recognized expertise in working  
6 with children who are sexually abused, physically abused,  
7 emotionally abused, or neglected and with expertise in working  
8 with the families of such children; private or public programs  
9 or organizations with expertise in maternal and infant health  
10 care; multidisciplinary child protection teams; child day care  
11 centers; law enforcement agencies, and the circuit courts,  
12 when guardian ad litem programs are not available in the local  
13 area. The state plan to be provided to the Legislature and  
14 the Governor shall include, as a minimum, the information  
15 required of the various groups in paragraph (b).

16 (b) The development of the comprehensive state plan  
17 shall be accomplished in the following manner:

18 1. The Department of Health ~~and Rehabilitative~~  
19 ~~Services~~ shall establish an interprogram task force comprised  
20 of the Deputy ~~Assistant~~ Secretary for Children's Medical  
21 Services ~~Health or his designee~~ and representatives from the  
22 Division of Family Services of the Department of Health and  
23 the Children, Youth, and Families Program Office, the  
24 ~~Children's Medical Services Program Office, the Alcohol, Drug~~  
25 ~~Abuse, and Mental Health Program Office, and the Developmental~~  
26 ~~Services Program Office~~ of the Department of Children and  
27 Family Services, and the Office of Evaluation. Representatives  
28 of the Department of Law Enforcement and of the Department of  
29 Education shall serve as ex officio members of the  
30 interprogram task force. The interprogram task force shall be  
31 responsible for:

- 1           a. Developing a plan of action for better coordination  
2 and integration of the goals, activities, and funding  
3 pertaining to the prevention of child abuse and neglect  
4 conducted by the department in order to maximize staff and  
5 resources at the state level. The plan of action shall be  
6 included in the state plan.
- 7           b. Providing a basic format to be utilized ~~by the~~  
8 ~~districts~~ in the preparation of local plans of action in order  
9 to provide for uniformity in the local ~~district~~ plans and to  
10 provide for greater ease in compiling information for the  
11 state plan.
- 12           c. Providing ~~the districts with~~ technical assistance  
13 in the development of local plans of action, if requested.
- 14           d. Examining the local plans to determine if all the  
15 requirements of the local plans have been met and, if they  
16 have not, noting any ~~informing the districts of the~~  
17 deficiencies and requesting the additional information needed.
- 18           e. Preparing the state plan for submission to the  
19 Legislature and the Governor. Such preparation shall include  
20 the collapsing of information obtained from the local plans,  
21 the cooperative plans with the Department of Education, and  
22 the plan of action for coordination and integration of  
23 departmental activities into one comprehensive plan. The  
24 comprehensive plan shall include a section reflecting general  
25 conditions and needs, an analysis of variations based on  
26 population or geographic areas, identified problems, and  
27 recommendations for change. In essence, the plan shall  
28 provide an analysis and summary of each element of the local  
29 plans to provide a statewide perspective. The plan shall also  
30 include each separate local plan of action.  
31

1           f. Working with the specified state agency in  
2 fulfilling the requirements of subparagraphs 2., 3., 4., and  
3 5.

4           2. The Department of Education and the Department of  
5 Health ~~and Rehabilitative Services~~ shall work together in  
6 developing ways to inform and instruct parents of school  
7 children and appropriate district school personnel in all  
8 school districts in the detection of child abuse and neglect  
9 and in the proper action that should be taken in a suspected  
10 case of child abuse or neglect, and in caring for a child's  
11 needs after a report is made. The plan for accomplishing this  
12 end shall be included in the state plan.

13           3. The Department of Law Enforcement and the  
14 Department of Health ~~and Rehabilitative Services~~ shall work  
15 together in developing ways to inform and instruct appropriate  
16 local law enforcement personnel in the detection of child  
17 abuse and neglect and in the proper action that should be  
18 taken in a suspected case of child abuse or neglect.

19           4. Within existing appropriations, the Department of  
20 Health ~~and Rehabilitative Services~~ shall work with other  
21 appropriate public and private agencies to emphasize efforts  
22 to educate the general public about the problem of and ways to  
23 detect child abuse and neglect and in the proper action that  
24 should be taken in a suspected case of child abuse or neglect.  
25 The plan for accomplishing this end shall be included in the  
26 state plan.

27           5. The Department of Education and the Department of  
28 Health ~~and Rehabilitative Services~~ shall work together on the  
29 enhancement or adaptation of curriculum materials to assist  
30 instructional personnel in providing instruction through a  
31 multidisciplinary approach on the identification,

1 intervention, and prevention of child abuse and neglect. The  
2 curriculum materials shall be geared toward a sequential  
3 program of instruction at the four progressional levels, K-3,  
4 4-6, 7-9, and 10-12. Strategies for encouraging all school  
5 districts to utilize the curriculum are to be included in the  
6 comprehensive state plan for the prevention of child abuse and  
7 child neglect.

8           6. ~~Each district of~~ The Department of Health and  
9 ~~Rehabilitative Services~~ shall develop a plan for each its  
10 specific geographical area. The plan developed at the local  
11 ~~district~~ level shall be submitted to the interprogram task  
12 force for utilization in preparing the state plan. The  
13 ~~district~~ local plan of action shall be prepared with the  
14 involvement and assistance of the local agencies and  
15 organizations listed in paragraph (a) as well as  
16 representatives from those departmental ~~district~~ offices  
17 participating in the treatment and prevention of child abuse  
18 and neglect. ~~In order to accomplish this, the district~~  
19 ~~administrator in each district shall establish a task force on~~  
20 ~~the prevention of child abuse and neglect. The district~~  
21 ~~administrator shall appoint the members of the task force in~~  
22 ~~accordance with the membership requirements of this section.~~  
23 ~~In addition, the district administrator shall ensure that each~~  
24 ~~subdistrict is represented on the task force; and, if the~~  
25 ~~district does not have subdistricts, the district~~  
26 ~~administrator shall ensure that both urban and rural areas are~~  
27 ~~represented on the task force. The task force shall develop a~~  
28 ~~written statement clearly identifying its operating~~  
29 ~~procedures, purpose, overall responsibilities, and method of~~  
30 ~~meeting responsibilities.~~ The local district plan of action  
31



1 to be prepared ~~by the task force~~ shall include, but shall not  
2 be limited to:

3 a. Documentation of the magnitude of the problems of  
4 child abuse, including sexual abuse, physical abuse, and  
5 emotional abuse, and child neglect in its geographical area.

6 b. A description of programs currently serving abused  
7 and neglected children and their families and a description of  
8 programs for the prevention of child abuse and neglect,  
9 including information on the impact, cost-effectiveness, and  
10 sources of funding of such programs.

11 c. A continuum of programs and services necessary for  
12 a comprehensive approach to the prevention of all types of  
13 child abuse and neglect as well as a brief description of such  
14 programs and services.

15 d. A description, documentation, and priority ranking  
16 of local needs related to child abuse and neglect prevention  
17 based upon the continuum of programs and services.

18 e. A plan for steps to be taken in meeting identified  
19 needs, including the coordination and integration of services  
20 to avoid unnecessary duplication and cost, and for alternative  
21 funding strategies for meeting needs through the reallocation  
22 of existing resources, utilization of volunteers, contracting  
23 with local universities for services, and local government or  
24 private agency funding.

25 f. A description of barriers to the accomplishment of  
26 a comprehensive approach to the prevention of child abuse and  
27 neglect.

28 g. Recommendations for changes that can be  
29 accomplished only at the state program level or by legislative  
30 action.

31

1 ~~The district local plan of action shall be submitted to the~~  
2 ~~interprogram task force by November 1, 1982.~~

3 (3) FUNDING AND SUBSEQUENT PLANS.--

4 (a) All budget requests submitted by the Department of  
5 Health ~~and Rehabilitative Services~~, the Department of Children  
6 and Family Services, the Department of Education, or any other  
7 agency to the Legislature for funding of efforts for the  
8 prevention of child abuse and neglect shall be based on the  
9 state plan developed pursuant to this section.

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

27 Section 12. Paragraphs (c) and (e) of subsection (2)  
28 of section 415.50171, Florida Statutes, are amended to read:

29 415.50171 Family services response system; reports of  
30 child-on-child sexual abuse.--

31

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

3           (c) The assessment of risk and the perceived treatment  
4 needs of the alleged juvenile sexual offender, the victim, and  
5 respective caregivers shall be conducted by the district  
6 staff, the child protection team of the Department of Health,  
7 and other providers under contract with the department to  
8 provide services to ~~the caregiver of the alleged offender~~, the  
9 alleged offender's caregiver, the victim, and the victim's  
10 caregiver.

11           (e) When necessary, the child protection team of the  
12 Department of Health shall conduct an evidence-gathering  
13 physical examination of the victim.

14           Section 13. Section 415.50175, Florida Statutes, 1996  
15 Supplement, is amended to read:

16           415.50175 Confidentiality of records.--

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

23           (2) Department and Department of Health records  
24 required by this part are confidential and are exempt from the  
25 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
26 Constitution and, notwithstanding the provisions of s. 415.51,  
27 may be inspected only upon order of the court or as provided  
28 for in this section. Confidential records and information  
29 provided pursuant to the provisions of this section shall  
30 remain confidential and exempt from the provisions of s.  
31 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

15           Section 14. Subsection (3) of section 415.5018,  
16 Florida Statutes, 1996 Supplement, is amended to read:

17           415.5018 District authority and responsibilities.--

18           (3) CHILD PROTECTIVE INVESTIGATION; COUNTY SHERIFF'S  
19 OFFICE OR LOCAL POLICE DEPARTMENT OPTION.--Within existing  
20 resources, a district, with the approval of the district  
21 health and human services board, and the secretary of the  
22 department, after consultation with the Division of Children's  
23 Medical Services of the Department of Health, shall enter into  
24 an agreement with a county sheriff's office or local police  
25 department that is jurisdictionally responsible to allow such  
26 law enforcement entity to assume a lead in conducting any  
27 potential criminal investigations as well as partial or full  
28 responsibility for conducting certain components of protective  
29 investigations under ss. 415.502-415.514 that are related to  
30 cases involving a criminal investigation. The written

31

1 agreement must specify how the requirements of ss.  
2 415.502-415.514 will be met.

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

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

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

12 a. Response to reports of abuse and neglect.  
13 b. Investigations.  
14 c. Assessment of risk.  
15 d. Evidence gathering.  
16 e. Classification of reports.  
17 f. Appeals of classifications.  
18 g. Communication and involvement with the state  
19 attorney.  
20 h. Confidentiality of reports and access to  
21 information.

22 i. Utilization of the child protection team of the  
23 Department of Health.

24 j. Storage and maintenance of records and other  
25 information.

26 3. Description of the transition of responsibility  
27 that assures the integrity and continuity of protective  
28 investigations.

29 4. Description of any necessary changes to department  
30 rules.  
31

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

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

11 Section 15. Section 415.502, Florida Statutes, is  
12 amended to read:

13 415.502 Comprehensive protective services for abused  
14 or neglected children; legislative intent.--The intent of ss.  
15 415.502-415.514 is to provide for comprehensive protective  
16 services for abused or neglected children found in the state  
17 by requiring that reports of each abused or neglected child be  
18 made to the Department of Children and Family Health and  
19 ~~Rehabilitative~~ Services in an effort to prevent further harm  
20 to the child or any other children living in the home and to  
21 preserve the family life of the parents and children, to the  
22 maximum extent possible, by enhancing the parental capacity  
23 for adequate child care. Each child should have a social  
24 security number.

25 Section 16. Subsections (5) and (6) of section  
26 415.503, Florida Statutes, 1996 Supplement, are amended to  
27 read:

28 415.503 Definitions of terms used in ss.  
29 415.502-415.514.--As used in ss. 415.502-415.514:

30 (5) "Child protection team" means a team of  
31 professionals established by the Department of Health to

1 receive referrals from the protective investigators and  
2 protective supervision staff of the children, ~~youth,~~ and  
3 families program and to provide specialized and supportive  
4 services to the program in processing child abuse and neglect  
5 cases. A child protection team shall provide consultation to  
6 other programs of the department and other persons on child  
7 abuse and neglect cases pursuant to s. 415.5055(1)(g).

8 (6) "Department" means the Department of Children and  
9 Family ~~Health and Rehabilitative~~ Services.

10 Section 17. Section 415.5055, Florida Statutes, 1996  
11 Supplement, is amended to read:

12 415.5055 Child protection teams; services; eligible  
13 cases.--The Division of Children's Medical Services of the  
14 Department of Health shall develop, maintain, and coordinate  
15 the services of one or more multidisciplinary child protection  
16 teams in each of the service districts of the Department of  
17 Children and Family Services. Such teams may be composed of  
18 representatives of appropriate health, mental health, social  
19 service, legal service, and law enforcement agencies.

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 his parent or parents,  
15 guardian or guardians, or other caregivers, or any other  
16 individual involved in a child abuse or neglect case, as the  
17 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 (f) Expert medical, psychological, and related  
26 professional testimony in court cases.

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



1 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 his parent or parents, guardian or guardians, or other  
5 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 (h) Case service coordination and assistance,  
10 including the location of services available from other public  
11 and private agencies in the community.

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

31

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 455.241, and shall not be disclosed, except,  
20 upon request, to the state attorney, law enforcement, the  
21 Department of Children and Family Services, the Department of  
22 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 18. Subsection (4) of section 415.507, Florida  
2 Statutes, is amended to read:

3           415.507 Photographs, medical examinations, X rays, and  
4 medical treatment of abused or neglected child.--

5           (4) The county in which the child is a resident shall  
6 bear the initial costs of the examination of the allegedly  
7 abused child; however, the parents, legal guardian, or legal  
8 custodian of the child shall be required to reimburse the  
9 county for the costs of such examination, other than an  
10 initial forensic physical examination as provided in s.  
11 960.28, and to reimburse the department ~~of Health and~~  
12 ~~Rehabilitative Services~~ for the cost of the photographs taken  
13 pursuant to this section. A medical provider may not bill a  
14 child victim, directly or indirectly, for the cost of an  
15 initial forensic physical examination.

16           Section 19. Subsection (2) of section 415.5095,  
17 Florida Statutes, is amended to read:

18           415.5095 Intervention and treatment in sexual abuse  
19 cases; model plan.--

20           (2) The Department of Health ~~and Rehabilitative~~  
21 Services shall develop a model plan for community intervention  
22 and treatment of intrafamily sexual abuse in conjunction with  
23 the Department of Children and Family Services, the Department  
24 of Law Enforcement, the Department of Education, the Attorney  
25 General, the state Guardian Ad Litem Program, the Department  
26 of Corrections, representatives of the judiciary, and  
27 professionals and advocates from the mental health and child  
28 welfare community.

29           Section 20. Subsection (5) of section 415.51, Florida  
30 Statutes, 1996 Supplement, is amended to read:

31

1           415.51 Confidentiality of reports and records in cases  
2 of child abuse or neglect.--

3           (5) All records and reports of the child protection  
4 team of the Department of Health are confidential and exempt  
5 from the provisions of ss. 119.07(1) and 455.241, and shall  
6 not be disclosed, except, upon request, to the state attorney,  
7 law enforcement, the department, and necessary professionals,  
8 in furtherance of the treatment or additional evaluative needs  
9 of the child or by order of the court.

10          Section 21. Section 415.514, Florida Statutes, is  
11 amended to read:

12           415.514 Rules for implementation of ss.  
13 415.502-415.514.--The department and the Department of Health  
14 shall promulgate rules in furtherance of the purpose of ss.  
15 415.502-415.514 and may amend such rules as may be necessary.

16          Section 22. Section 415.5075, Florida Statutes, is  
17 hereby repealed.

18          Section 23. This act shall take effect October 1,  
19 1997.

20  
21 \*\*\*\*\*

22 HOUSE SUMMARY

23  
24 Transfers from the Department of Children and Family  
25 Services to the Department of Health all responsibilities  
26 relating to those child abuse prevention services and  
27 services to abused and neglected children provided  
28 through the child protection teams and sexual abuse  
29 treatment programs created under part IV of chapter 415,  
30 F.S. Authorizes the Department of Health to organize  
31 transferred positions to ensure efficiency and  
accountability. Provides qualifications and requirements  
of the Director for Children's Medical Services, who  
shall be the Deputy Secretary and Deputy State Health  
Officer for Children. Revises, clarifies, and conforms  
the respective functions and responsibilities of the two  
departments and the Division of Children's Medical  
Services of the Department of Health pursuant to said  
transfer.