

By the Committee on Children and Families; and Senator Cowin

300-720D-99

1 A bill to be entitled
2 An act relating to the protection of children;
3 creating the "Kayla McKean Child Protection
4 Act"; providing legislative intent; amending s.
5 39.01, F.S.; redefining the term "harm" for
6 purposes of ch. 39, F.S., to include the act of
7 placing a child with another person to avoid or
8 impede a protective investigation; redefining
9 the term "participant" to include providers
10 when designated by the court; amending s.
11 39.201, F.S.; requiring that a judge report
12 known or suspected child abuse; requiring that
13 the Department of Children and Family Services
14 accept certain reports of child abuse for
15 investigation; providing additional
16 requirements for the department with respect to
17 recording calls on the central abuse hotline;
18 requiring that the department's quality
19 assurance program review reports made to the
20 hotline which involve a specified number of
21 reports on a single child; amending s. 39.202,
22 F.S.; providing for certain persons who report
23 child abuse to request a summary of the
24 investigation; amending s. 39.205, F.S.;
25 increasing the penalties imposed for failing to
26 report child abuse or preventing the reporting
27 of child abuse, unless the court finds the
28 offender is a victim of domestic violence;
29 amending s. 39.301, F.S.; requiring
30 notification of the appropriate law enforcement
31 agency of reports provided to the department's

1 district staff; requiring review; requiring
2 criminal investigation, if warranted; requiring
3 that the department maintain certain
4 information on child abuse investigations;
5 providing requirements for assigning
6 multidisciplinary staff to an investigation;
7 requiring that the department adopt rules
8 governing the completion of investigatory
9 activities; revising requirements for
10 conducting risk assessments and onsite child
11 protective investigations; authorizing the
12 department to conduct unannounced visits and
13 interviews; requiring that the department adopt
14 rules specifying criteria under which a child
15 is taken into custody and a petition filed with
16 the court; requiring that law enforcement
17 agencies participating in an investigation take
18 photographs of the child's living environment
19 which shall be part of the investigative file;
20 requiring certain training; amending s. 39.302,
21 F.S.; authorizing the department to conduct
22 unannounced visits when conducting an
23 investigation; requiring that the department
24 conduct certain onsite visits; amending s.
25 39.303, F.S.; providing for a child protection
26 team to include a representative of the school
27 district; providing for medical evaluations in
28 certain cases of child abuse, and neglect;
29 specifying additional conditions that must be
30 evaluated by the child protection team;
31 amending s. 39.304, F.S.; requiring that

1 photographs be taken of visible trauma on a
2 child which shall be part of the investigative
3 file; amending s. 39.306, F.S.; specifying
4 local criminal history information that a law
5 enforcement entity is authorized to share;
6 amending s. 39.402, F.S.; authorizing the court
7 to order that a child remain in the
8 department's custody for an additional period
9 in order for the court to determine risk to the
10 child; requiring that the department provide
11 certain information to the court at the shelter
12 hearing; creating s. 383.402, F.S.; creating
13 the State Child Abuse Death Review Committee;
14 providing for membership of the committee;
15 specifying the duties of the committee;
16 providing for terms of office; providing for
17 members of the committee to be reimbursed for
18 expenses; providing for counties to establish
19 local child abuse death review committees;
20 providing for membership and duties;
21 authorizing the review committees to have
22 access to information pertaining to the death
23 of a child; authorizing the State Child Abuse
24 Death Review Committee to issue subpoenas;
25 requiring the Department of Health to
26 administer the funds appropriated to operate
27 the review committees; amending s. 409.1671,
28 F.S.; requiring a case-transfer process;
29 requiring that private providers furnish status
30 reports to the Department of Children and
31 Family Services; prohibiting a provider from

1 discontinuing services without the department's
2 written notification; providing for the
3 department to pay certain legal costs of a
4 community-based agency that files a petition
5 for dependency; requiring that contracts
6 between the department and community-based
7 agencies include provisions for dispute
8 resolution; amending s. 777.03, F.S.; providing
9 that certain actions to assist an offender who
10 has committed child abuse, child neglect, or
11 the manslaughter or murder of a child under a
12 specified age constitute acting as an accessory
13 after the fact; amending s. 827.03, F.S.;
14 increasing the penalties imposed for the
15 offense of aggravated child abuse; amending s.
16 921.0022, F.S., relating to the offense
17 severity ranking chart of the Criminal
18 Punishment Code; conforming provisions to
19 changes made by the act; amending s. 934.03,
20 F.S.; authorizing the central abuse hotline to
21 record incoming wire communications; amending
22 s. 39.823, F.S., relating to guardian advocates
23 for newborns; conforming a cross-reference to
24 changes made by the act; requiring the
25 Department of Health to develop a plan for
26 county child protection teams; requiring the
27 Department of Children and Family Services to
28 contract with an independent entity to evaluate
29 the central abuse hotline; providing an
30 appropriation; providing that certain full-time
31 positions within the Department of Children and

1 Family Services are not subject to
2 position-lapse adjustments in the General
3 Appropriations Act or in agency operation
4 budgets; providing an effective date.
5

6 WHEREAS, national statistics indicate that 46 percent
7 of children who died as a result of child abuse or neglect had
8 prior contact with the state child protection agency, and

9 WHEREAS, more than 79,000 children in Florida were
10 abused or neglected in fiscal year 1997-1998, and a number of
11 these children died as a result of being abused, and

12 WHEREAS, 10 percent of the abused or neglected children
13 in this state were abused or neglected again within 1 year
14 after the case was closed by the Department of Children and
15 Family Services, and

16 WHEREAS, the Legislature abhors a child-protection
17 system that allows a child who is known to be at serious risk
18 to remain in a dangerous home and be further harmed, even
19 killed, and

20 WHEREAS, the recent deaths of children in this state
21 which resulted from the maltreatment of children by their
22 parents, family members, or caregivers emphasize the need to
23 enhance the protection of the health and safety of children
24 served by Florida's child-protection system by means that
25 include strengthening the identification and assessment of
26 those parents, family members, or other caregivers who are
27 involved in or at risk of engaging in abusive or neglectful
28 behavior, NOW, THEREFORE,

29

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

31

1 Section 1. Short title.--This act may be cited as the
2 "Kayla McKean Child Protection Act."

3 Section 2. Legislative intent.--The Legislature
4 intends to identify those gaps or shortcomings in the current
5 child-protection system, including those gaps or shortcomings
6 in child-protection services provided by the Department of
7 Children and Family Services and its contract providers, by
8 child protection teams, by law enforcement agencies, by
9 schools, and by the courts, in order to make the system more
10 responsive to children who are at risk of child abuse or
11 neglect.

12 Section 3. Paragraph (1) is added to subsection (30)
13 of section 39.01, Florida Statutes, 1998 Supplement, and
14 subsection (50) of that section is amended, to read:

15 39.01 Definitions.--When used in this chapter, unless
16 the context otherwise requires:

17 (30) "Harm" to a child's health or welfare can occur
18 when the parent, legal custodian, or caregiver responsible for
19 the child's welfare:

20 (1) For the purpose of impeding or avoiding a
21 protective investigation, places the child with another person
22 or makes the child unavailable.

23 (50) "Participant," for purposes of a shelter
24 proceeding, dependency proceeding, or termination of parental
25 rights proceeding, means any person who is not a party but who
26 should receive notice of hearings involving the child,
27 including foster parents or caregivers, identified prospective
28 parents, grandparents entitled to priority for adoption
29 consideration under s. 63.0425, actual custodians of the
30 child, and any other person whose participation may be in the
31 best interest of the child. A community-based agency under

1 contract with the department to provide protective services
2 may be designated as a participant at the discretion of the
3 court. Participants may be granted leave by the court to be
4 heard without the necessity of filing a motion to intervene.

5 Section 4. Subsections (1) and (2) of section 39.201,
6 Florida Statutes, 1998 Supplement, are amended, and
7 subsections (8) and (9) are added to that section, to read:

8 39.201 Mandatory reports of child abuse, abandonment,
9 or neglect; mandatory reports of death; central abuse
10 hotline.--

11 (1) Any person, including, but not limited to, any:

12 (a) Physician, osteopathic physician, medical
13 examiner, chiropractic physician, nurse, or hospital personnel
14 engaged in the admission, examination, care, or treatment of
15 persons;

16 (b) Health or mental health professional other than
17 one listed in paragraph (a);

18 (c) Practitioner who relies solely on spiritual means
19 for healing;

20 (d) School teacher or other school official or
21 personnel;

22 (e) Social worker, day care center worker, or other
23 professional child care, foster care, residential, or
24 institutional worker; ~~or~~

25 (f) Law enforcement officer; or

26 (g) Judge,

27
28 who knows, or has reasonable cause to suspect, that a child is
29 an abused, abandoned, or neglected child shall report such
30 knowledge or suspicion to the department in the manner
31 prescribed in subsection (2).

1 (2)(a) Each report of known or suspected child abuse,
2 abandonment, or neglect pursuant to this section, except those
3 solely under s. 827.04(3), shall be made immediately to the
4 department's central abuse hotline on the single statewide
5 toll-free telephone number, and, if the report is of an
6 instance of known or suspected child abuse by a noncaretaker,
7 the call shall be immediately electronically transferred to
8 the appropriate county sheriff's office by the central abuse
9 hotline. If the report is of an instance of known or
10 suspected child abuse involving impregnation of a child under
11 16 years of age by a person 21 years of age or older solely
12 under s. 827.04(3), the report shall be made immediately to
13 the appropriate county sheriff's office or other appropriate
14 law enforcement agency. If the report is of an instance of
15 known or suspected child abuse solely under s. 827.04(3), the
16 reporting provisions of this subsection do not apply to health
17 care professionals or other persons who provide medical or
18 counseling services to pregnant children when such reporting
19 would interfere with the provision of medical services.

20 (b) The department must consider valid and accept for
21 investigation any report received by the central abuse hotline
22 from a judge, teacher or other professional school official,
23 or physician, as specified in paragraph (1)(a), paragraph
24 (1)(d), or paragraph (1)(g), who is acting in his or her
25 professional capacity.

26 (c)~~(b)~~ Reporters in occupation categories designated
27 in subsection (1) are required to provide their names to the
28 hotline staff. The names of reporters shall be entered into
29 the record of the report, but shall be held confidential as
30 provided in s. 39.202.

31

1 (d)~~(e)~~ Reports involving known or suspected
2 institutional child abuse or neglect shall be made and
3 received in the same manner as all other reports made pursuant
4 to this section.

5 (e)~~(d)~~ Reports involving a known or suspected juvenile
6 sexual offender shall be made and received by the department.

7 1. The department shall determine the age of the
8 alleged juvenile sexual offender if known.

9 2. When the alleged juvenile sexual offender is 12
10 years of age or younger, the department shall proceed with an
11 investigation of the report pursuant to this part, immediately
12 electronically transfer the call to the appropriate law
13 enforcement agency office by the central abuse hotline, and
14 send a written report of the allegation to the appropriate
15 county sheriff's office within 48 hours after the initial
16 report is made to the central abuse hotline.

17 3. When the alleged juvenile sexual offender is 13
18 years of age or older, the department shall immediately
19 electronically transfer the call to the appropriate county
20 sheriff's office by the central abuse hotline, and send a
21 written report to the appropriate county sheriff's office
22 within 48 hours after the initial report to the central abuse
23 hotline.

24 (f)~~(e)~~ Hotline counselors shall receive periodic
25 training in encouraging reporters to provide their names when
26 reporting abuse, abandonment, or neglect. Callers shall be
27 advised of the confidentiality provisions of s. 39.202. The
28 department shall secure and install electronic equipment that
29 automatically provides to the hotline the number from which
30 the call is placed. This number shall be entered into the
31 report of abuse, abandonment, or neglect and become a part of

1 the record of the report, but shall enjoy the same
2 confidentiality as provided to the identity of the caller
3 pursuant to s. 39.202.

4 (g) The department shall voice-record all incoming or
5 outgoing calls that are received or placed by the central
6 abuse hotline which relate to suspected or known child abuse,
7 neglect, or abandonment. The recording shall become a part of
8 the record of the report, but is subject to the same
9 confidentiality as is provided to the identity of the caller
10 under s. 39.202.

11 (8) Nothing in this chapter or in the privatization of
12 foster care and related services as specified in s. 409.1671
13 shall be construed to remove or reduce the duty and
14 responsibility of any person, including any employee of the
15 privatization provider, to report a suspected or actual case
16 of child abuse, abandonment, or neglect or the sexual abuse of
17 a child to the department's central abuse hotline.

18 (9) On an ongoing basis, the department's quality
19 assurance program shall review reports to the hotline
20 involving three or more unaccepted reports on a single child
21 in order to detect such things as harassment and situations
22 that warrant an investigation because of the frequency or
23 variety of the source of the reports. The assistant secretary
24 may refer a case for investigation when it is determined, as a
25 result of this review, that an investigation may be warranted.

26 Section 5. Subsection (4) of section 39.202, Florida
27 Statutes, 1998 Supplement, is amended to read:

28 39.202 Confidentiality of reports and records in cases
29 of child abuse or neglect.--

30 (4) The name of any person reporting child abuse,
31 abandonment, or neglect may not be released to any person

1 other than employees of the department responsible for child
2 protective services, the central abuse hotline, law
3 enforcement, or the appropriate state attorney, without the
4 written consent of the person reporting. This does not
5 prohibit the subpoenaing of a person reporting child abuse,
6 abandonment, or neglect when deemed necessary by the court,
7 the state attorney, or the department, provided the fact that
8 such person made the report is not disclosed. Any person who
9 reports a case of child abuse or neglect may, at the time he
10 or she makes the report, request that the department notify
11 him or her that a child protective investigation occurred as a
12 result of the report. Any person specifically listed in s.
13 39.201(1) who makes a report in his or her official capacity
14 may also request a written summary of the outcome of the
15 investigation.The department shall mail such a notice to the
16 reporter within 10 days after completing the child protective
17 investigation.

18 Section 6. Section 39.205, Florida Statutes, 1998
19 Supplement, is amended to read:

20 39.205 Penalties relating to reporting of child abuse,
21 abandonment, or neglect.--

22 (1) A person who is required to report known or
23 suspected child abuse, abandonment, or neglect and who
24 knowingly and willfully fails to do so, or who knowingly and
25 willfully prevents another person from doing so, is guilty of
26 a misdemeanor of the first ~~second~~ degree, punishable as
27 provided in s. 775.082 or s. 775.083.

28 (2) Unless the court finds that the person is a victim
29 of domestic violence, a person who is 18 years of age or older
30 and lives in the same house or living unit as a child who is
31 known or suspected to be a victim of child abuse, neglect of a

1 child, or aggravated child abuse, and knowingly and willfully
2 fails to report the child abuse commits a felony of the third
3 degree, punishable as provided in s. 775.082, s. 775.083, or
4 s. 775.084.

5 (3)~~(2)~~ A person who knowingly and willfully makes
6 public or discloses any confidential information contained in
7 the central abuse hotline or in the records of any child
8 abuse, abandonment, or neglect case, except as provided in
9 this chapter, is guilty of a misdemeanor of the second degree,
10 punishable as provided in s. 775.082 or s. 775.083.

11 (4)~~(3)~~ The department shall establish procedures for
12 determining whether a false report of child abuse,
13 abandonment, or neglect has been made and for submitting all
14 identifying information relating to such a report to the
15 appropriate law enforcement agency and shall report annually
16 to the Legislature the number of reports referred.

17 (5)~~(4)~~ If the department or its authorized agent has
18 determined after its investigation that a report is false, the
19 department shall, with the consent of the alleged perpetrator,
20 refer the report to the local law enforcement agency having
21 jurisdiction for an investigation to determine whether
22 sufficient evidence exists to refer the case for prosecution
23 for filing a false report as defined in s. 39.01(27). During
24 the pendency of the investigation by the local law enforcement
25 agency, the department must notify the local law enforcement
26 agency of, and the local law enforcement agency must respond
27 to, all subsequent reports concerning children in that same
28 family in accordance with s. 39.301. If the law enforcement
29 agency believes that there are indicators of abuse,
30 abandonment, or neglect, it must immediately notify the
31 department, which must assure the safety of the children. If

1 the law enforcement agency finds sufficient evidence for
2 prosecution for filing a false report, it must refer the case
3 to the appropriate state attorney for prosecution.

4 (6)~~(5)~~ A person who knowing and willfully makes a
5 false report of child abuse, abandonment, or neglect, or who
6 advises another to make a false report, is guilty of a felony
7 of the third degree, punishable as provided in s. 775.082 or
8 s. 775.083. Anyone making a report who is acting in good
9 faith is immune from any liability under this subsection.

10 (7)~~(6)~~ Each state attorney shall establish and publish
11 written procedures to facilitate the prosecution of persons
12 under this section, and shall report to the Legislature
13 annually the number of complaints that have resulted in the
14 filing of an information or indictment and the disposition of
15 those complaints under this section.

16 Section 7. Section 39.301, Florida Statutes, 1998
17 Supplement, is amended to read:

18 39.301 Initiation of protective investigations.--

19 (1) Upon receiving an oral or written report of known
20 or suspected child abuse, abandonment, or neglect, the central
21 abuse hotline shall determine if the report requires an
22 immediate onsite protective investigation. For reports
23 requiring an immediate onsite protective investigation, the
24 central abuse hotline shall immediately notify the
25 department's designated children and families district staff
26 responsible for protective investigations to ensure that an
27 onsite investigation is promptly initiated. For reports not
28 requiring an immediate onsite protective investigation, the
29 central abuse hotline shall notify the department's designated
30 children and families district staff responsible for
31 protective investigations in sufficient time to allow for an

1 investigation. At the time of notification of district staff
2 with respect to the report, the central abuse hotline shall
3 also provide information on any previous report concerning a
4 subject of the present report or any pertinent information
5 relative to the present report or any noted earlier reports.

6 (2) Upon notification of the department's staff under
7 subsection (1), the central abuse hotline shall simultaneously
8 notify the appropriate law enforcement agency of the county in
9 which the known or suspected child abuse, abandonment, or
10 neglect is believed to have occurred. Upon receipt of a
11 report, the law enforcement agency must review the report and
12 determine whether a criminal investigation of the case is
13 warranted and, if so, shall conduct the criminal investigation
14 that shall be coordinated, whenever possible, with the child
15 protective investigation of the department or its agent.

16 (3) The department shall maintain a master file for
17 each child whose report is accepted by the central abuse
18 hotline for investigation. Such file must contain information
19 concerning all reports received concerning that child. The
20 file must be made available to any department staff or agent
21 of the department given responsibility for conducting a
22 protective investigation.

23 (4) To the extent practical, all protective
24 investigations involving a child shall be conducted or the
25 work supervised by a single individual in order for there to
26 be broad knowledge and understanding of the child's history.
27 When a new investigator is assigned to investigate a second
28 and subsequent report involving a child, a multidisciplinary
29 staffing shall be conducted which includes new and prior
30 investigators, their supervisors, and appropriate private
31 providers in order to assure that, to the extent possible,

1 there is coordination among all parties. The department shall
2 adopt by rule a process that ensures that all required
3 investigatory activities, including a review of the child's
4 complete investigative and protective services history, are
5 completed by the investigator, reviewed by the supervisor in a
6 timely manner, and signed and dated by both the investigator
7 and the supervisor.

8 (5)(2)(a) Upon commencing an investigation under this
9 part, the child protective investigator shall inform any
10 subject of the investigation of the following:

- 11 1. The names of the investigators and identifying
12 credentials from the department.
- 13 2. The purpose of the investigation.
- 14 3. The right to obtain his or her own attorney and
15 ways that the information provided by the subject may be used.
- 16 4. The possible outcomes and services of the
17 department's response shall be explained to the caregiver.
- 18 5. The right of the parent, legal custodian, or
19 caregiver to be involved to the fullest extent possible in
20 determining the nature of the allegation and the nature of any
21 identified problem.

22 (b) The department's training program shall ensure
23 that protective investigators know how to fully inform
24 parents, guardians, and caregivers of their rights and
25 options, including opportunities for audio or video recording
26 of investigators' interviews with parents, guardians,
27 caretakers, or children.

28 (6)(3) An assessment of risk and the perceived needs
29 for the child and family shall be conducted in a manner that
30 is sensitive to the social, economic, and cultural environment
31 of the family. This assessment must include a face-to-face

1 interview with the child, other siblings, parents, and other
2 adults in the household and an onsite assessment of the
3 child's residence.

4 (7)~~(4)~~ Protective investigations shall be performed by
5 the department or its agent.

6 (8)~~(5)~~ The person responsible for the investigation
7 shall make a preliminary determination as to whether the
8 report or complaint is complete, consulting with the attorney
9 for the department when necessary. In any case in which the
10 person responsible for the investigation finds that the report
11 or complaint is incomplete, he or she shall return it without
12 delay to the person or agency originating the report or
13 complaint or having knowledge of the facts, or to the
14 appropriate law enforcement agency having investigative
15 jurisdiction, and request additional information in order to
16 complete the report or complaint; however, the confidentiality
17 of any report filed in accordance with this chapter shall not
18 be violated.

19 (a) If it is determined that the report or complaint
20 is complete, after determining that such action would be in
21 the best interests of the child, the attorney for the
22 department shall file a petition for dependency.

23 (b) If it is determined that the report or complaint
24 is complete, but the interests of the child and the public
25 will be best served by providing the child care or other
26 treatment voluntarily accepted by the child and the parents,
27 caregivers, or legal custodians, the protective investigator
28 may refer the child for such care or other treatment.

29 (c) If the person conducting the investigation refuses
30 to request the attorney for the department to file a petition
31

1 for dependency, the complainant shall be advised of the right
2 to file a petition pursuant to this part.

3 ~~(9)(6)~~ For each report it receives, the department
4 shall perform an onsite child protective investigation that
5 includes a face-to-face interview with the child, other
6 siblings, parents, and other adults in the household and an
7 onsite assessment of the child's residence in order to:

8 (a) Determine the composition of the family or
9 household, including the name, address, date of birth, social
10 security number, sex, and race of each child named in the
11 report; any siblings or other children in the same household
12 or in the care of the same adults; the parents, legal
13 custodians, or caregivers; and any other adults in the same
14 household.

15 (b) Determine whether there is indication that any
16 child in the family or household has been abused, abandoned,
17 or neglected; the nature and extent of present or prior
18 injuries, abuse, or neglect, and any evidence thereof; and a
19 determination as to the person or persons apparently
20 responsible for the abuse, abandonment, or neglect, including
21 the name, address, date of birth, social security number, sex,
22 and race of each such person.

23 (c) Determine the immediate and long-term risk to each
24 child by conducting state and federal records checks,
25 including, when feasible, the records of the Department of
26 Corrections, on the parents, legal custodians, or caregivers,
27 and any other persons in the same household. This information
28 shall be used solely for purposes supporting the detection,
29 apprehension, prosecution, pretrial release, posttrial
30 release, or rehabilitation of criminal offenders or persons
31 accused of the crimes of child abuse, abandonment, or neglect

1 and shall not be further disseminated or used for any other
2 purpose. The department's child protection investigators are
3 hereby designated a criminal justice agency for the purpose of
4 accessing criminal justice information to be used for
5 enforcing this state's laws concerning the crimes of child
6 abuse, abandonment, and neglect.

7 (d) Determine the immediate and long-term risk to each
8 child through utilization of standardized risk assessment
9 instruments.

10 (e) Based on the information obtained from the
11 caregiver, complete the risk assessment instrument within 48
12 hours after the initial contact and, if needed, develop a case
13 plan.

14 (f) Determine the protective, treatment, and
15 ameliorative services necessary to safeguard and ensure the
16 child's safety and well-being and development, and cause the
17 delivery of those services through the early intervention of
18 the department or its agent.

19 (10)~~(7)~~ If the department or its agent is denied
20 reasonable access to a child by the parents, legal custodians,
21 or caregivers and the department deems that the best interests
22 of the child so require, it shall seek an appropriate court
23 order or other legal authority prior to examining and
24 interviewing the child.

25 (11) Onsite visits and face-to-face interviews with
26 the child or family shall be unannounced unless it is
27 determined by the department or its agent that such
28 unannounced visit would threaten the safety of the child.

29 (12)~~(8)~~ If the department or its agent determines that
30 a child requires immediate or long-term protection through:

31 (a) Medical or other health care;

1 (b) Homemaker care, day care, protective supervision,
2 or other services to stabilize the home environment, including
3 intensive family preservation services through the Family
4 Builders Program, the Intensive Crisis Counseling Program, or
5 both; or

6 (c) Foster care, shelter care, or other substitute
7 care to remove the child from the custody of the parents,
8 legal guardians, or caregivers,

9
10 such services shall first be offered for voluntary acceptance
11 unless there are high-risk factors that may impact the ability
12 of the parents, legal guardians, or caregivers to exercise
13 judgment. Such factors may include the parents', legal
14 guardians', or caregivers' young age or history of substance
15 abuse or domestic violence. The department shall adopt by rule
16 criteria specifying behaviors or conditions that are factors
17 requiring that the department take the child into custody or
18 petition the court as provided in this chapter. Such factors
19 must include: for a child who is the subject of an abuse
20 report, receiving treatment in an emergency room;
21 noncompliance with the case plan developed by the department,
22 or its agent, and the family under this chapter; and prior
23 abuse reports that involve the child or caregiver.The
24 parents, legal custodians, or caregivers shall be informed of
25 the right to refuse services, as well as the responsibility of
26 the department to protect the child regardless of the
27 acceptance or refusal of services. If the services are refused
28 and the department deems that the child's need for protection
29 so requires, the department shall take the child into
30 protective custody or petition the court as provided in this
31 chapter.

1 (13)~~(9)~~ When a child is taken into custody pursuant to
2 this section, the authorized agent of the department shall
3 request that the child's parent, caregiver, or legal custodian
4 disclose the names, relationships, and addresses of all
5 parents and prospective parents and all next of kin, so far as
6 are known.

7 (14)~~(10)~~ No later than 30 days after receiving the
8 initial report, the local office of the department shall
9 complete its investigation.

10 (15)~~(11)~~ Immediately ~~upon receipt of a report~~
11 ~~alleging, or immediately~~ upon learning during the course of an
12 investigation, that:

13 (a) The immediate safety or well-being of a child is
14 endangered;

15 (b) The family is likely to flee;

16 (c) A child died as a result of abuse, abandonment, or
17 neglect;

18 (d) A child is a victim of aggravated child abuse as
19 defined in s. 827.03; or

20 (e) A child is a victim of sexual battery or of sexual
21 abuse,

22
23 the department shall orally notify the jurisdictionally
24 responsible state attorney, and county sheriff's office or
25 local police department, and, within 3 days ~~as soon as~~
26 ~~practicable~~, transmit the written report to those agencies.

27 The law enforcement agency shall review the report and
28 determine whether a criminal investigation needs to be
29 conducted and shall assume lead responsibility for all
30 criminal fact-finding activities. A criminal investigation
31 shall be coordinated, whenever possible, with the child

1 protective investigation of the department. Any interested
2 person who has information regarding an offense described in
3 this subsection may forward a statement to the state attorney
4 as to whether prosecution is warranted and appropriate.

5 (16)~~(12)~~ In a child protective investigation or a
6 criminal investigation, when the initial interview with the
7 child is conducted at school, the department or the law
8 enforcement agency may allow, notwithstanding the provisions
9 of s. 39.0132(4), a school instructional staff member who is
10 known by the child to be present during the initial interview
11 if:

12 (a) The department or law enforcement agency believes
13 that the school instructional staff member could enhance the
14 success of the interview by his or her presence; and

15 (b) The child requests or consents to the presence of
16 the school instructional staff member at the interview.

17
18 School instructional staff may only be present when authorized
19 by this subsection. Information received during the interview
20 or from any other source regarding the alleged abuse or
21 neglect of the child shall be confidential and exempt from the
22 provisions of s. 119.07(1), except as otherwise provided by
23 court order. A separate record of the investigation of the
24 abuse, abandonment, or neglect shall not be maintained by the
25 school or school instructional staff member. Violation of this
26 subsection constitutes a misdemeanor of the second degree,
27 punishable as provided in s. 775.082 or s. 775.083.

28 (17) When a law enforcement agency is participating in
29 an investigation, the agency shall take photographs of the
30 child's living environment. Such photographs shall become part
31 of the investigative file.

1 ~~(18)~~~~(13)~~ Within 15 days after the completion of the
2 investigation of cases reported to him or her pursuant to this
3 section, the state attorney shall report his or her findings
4 to the department and shall include in such report a
5 determination of whether or not prosecution is justified and
6 appropriate in view of the circumstances of the specific case.

7 (19) In order to enhance the skills of individual
8 staff and to improve the district's overall child protection
9 system, the department's training program at the district
10 level must include periodic reviews of cases handled within
11 the district in order to identify weaknesses as well as
12 examples of effective interventions that occurred at each
13 point in the case.

14 Section 8. Subsection (1) of section 39.302, Florida
15 Statutes, 1998 Supplement, is amended to read:

16 39.302 Protective investigations of institutional
17 child abuse, abandonment, or neglect.--

18 (1) The department shall conduct a child protective
19 investigation of each report of institutional child abuse,
20 abandonment, or neglect. Upon receipt of a report which
21 alleges that an employee or agent of the department, or any
22 other entity or person covered by s. 39.01(32) or (47), acting
23 in an official capacity, has committed an act of child abuse,
24 abandonment, or neglect, the department shall immediately
25 initiate a child protective investigation and orally notify
26 the appropriate state attorney, law enforcement agency, and
27 licensing agency. These agencies shall immediately conduct a
28 joint investigation, unless independent investigations are
29 more feasible. When conducting investigations onsite or having
30 face-to-face interviews with the child, such investigation
31 visits shall be unannounced unless it is determined by the

1 department or its agent that such unannounced visits would
2 threaten the safety of the child. When a facility is exempt
3 from licensing, the department shall inform the owner or
4 operator of the facility of the report. Each agency
5 conducting a joint investigation shall be entitled to full
6 access to the information gathered by the department in the
7 course of the investigation. A protective investigation must
8 include an onsite visit of the child's place of residence.In
9 all cases, the department shall make a full written report to
10 the state attorney within 3 days after making the oral report.
11 A criminal investigation shall be coordinated, whenever
12 possible, with the child protective investigation of the
13 department. Any interested person who has information
14 regarding the offenses described in this subsection may
15 forward a statement to the state attorney as to whether
16 prosecution is warranted and appropriate. Within 15 days after
17 the completion of the investigation, the state attorney shall
18 report the findings to the department and shall include in
19 such report a determination of whether or not prosecution is
20 justified and appropriate in view of the circumstances of the
21 specific case.

22 Section 9. Section 39.303, Florida Statutes, 1998
23 Supplement, is amended to read:

24 39.303 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 appropriate representatives of school districts and
31 appropriate health, mental health, social service, legal

1 service, and law enforcement agencies. The Legislature finds
2 that optimal coordination of child protection teams and sexual
3 abuse treatment programs requires collaboration between the
4 Department of Health and the Department of Children and Family
5 Services. The two departments shall maintain an interagency
6 agreement that establishes protocols for oversight and
7 operations of child protection teams and sexual abuse
8 treatment programs. The Secretary of Health and the Deputy
9 Secretary for 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 program of the Department of Children and Family Services.
20 Nothing in this section shall be construed to remove or reduce
21 the duty and responsibility of any person to report pursuant
22 to this chapter all suspected or actual cases of child abuse,
23 abandonment, or neglect or sexual abuse of a child. The role
24 of the teams shall be to support activities of the program and
25 to provide services deemed by the teams to be necessary and
26 appropriate to abused, abandoned, and neglected children upon
27 referral. The specialized diagnostic assessment, evaluation,
28 coordination, consultation, and other supportive services that
29 a child protection team shall be capable of providing include,
30 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, abandonment,
8 or neglect, as defined by 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, legal custodian or custodians, or other caregivers,
13 or any other individual involved in a child abuse,
14 abandonment, or neglect case, as the team may determine to be
15 needed.

16 (e) Expert medical, psychological, and related
17 professional testimony in court cases.

18 (f) Case staffings to develop treatment plans for
19 children whose cases have been referred to the team. A child
20 protection team may provide consultation with respect to a
21 child who is alleged or is shown to be abused, abandoned, or
22 neglected, which consultation shall be provided at the request
23 of a representative of the family safety and preservation
24 program or at the request of any other professional involved
25 with a child or the child's parent or parents, legal custodian
26 or custodians, or other caregivers. In every such child
27 protection team case staffing, consultation, or staff activity
28 involving a child, a family safety and preservation program
29 representative shall attend and participate.

30
31

1 (g) Case service coordination and assistance,
2 including the location of services available from other public
3 and private agencies in the community.

4 (h) Such training services for program and other
5 employees of the Department of Children and Family Services,
6 employees of the Department of Health, and other medical
7 professionals as is deemed appropriate to enable them to
8 develop and maintain their professional skills and abilities
9 in handling child abuse, abandonment, and neglect cases.

10 (i) Educational and community awareness campaigns on
11 child abuse, abandonment, and neglect in an effort to enable
12 citizens more successfully to prevent, identify, and treat
13 child abuse, abandonment, and neglect in the community.

14 (2) The child abuse, abandonment, and neglect reports
15 ~~cases~~ that must be referred ~~are appropriate for referral~~ by
16 the Department of Children and Family Services family safety
17 ~~and preservation program~~ to child protection teams of the
18 Department of Health for medical evaluation and available
19 support services as set forth in subsection (1) must include,
20 ~~but are not limited to,~~ cases involving:

21 (a) Bruises, burns, or fractures in a child ~~under the~~
22 ~~age of 3 years or in a nonambulatory child~~ of any age.

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

25 (b)(c) Sexual abuse of a child in which vaginal or
26 anal penetration is alleged or in which other unlawful sexual
27 conduct has been determined to have occurred.

28 (c)(d) Venereal disease, or any other sexually
29 transmitted disease, in a prepubescent child.

30 (d)(e) Reported malnutrition of a child and failure of
31 a child to thrive.

1 ~~(e)(f)~~ Reported medical, physical, or emotional
2 neglect of a child.

3 ~~(f)(g)~~ Any family in which one or more children have
4 been pronounced dead on arrival at a hospital or other health
5 care facility, or have been injured and later died, as a
6 result of suspected abuse, abandonment, or neglect, when any
7 sibling or other child remains in the home.

8 ~~(g)(h)~~ Symptoms of serious emotional problems in a
9 child when emotional or other abuse, abandonment, or neglect
10 is suspected.

11 (h) Injuries to a child's head.

12 (3) All abuse and neglect cases transmitted for
13 investigation to a district by the hotline must be
14 simultaneously transmitted to the Department of Health child
15 protection team for review. All cases transmitted to the child
16 protection team which meet the criteria in s. 39.303(2) must
17 be timely reviewed by a board certified pediatrician or
18 registered nurse practitioner under the supervision of such
19 pEDIatrician for the purpose of determining whether a
20 face-to-face medical evaluation by a child protection team is
21 necessary. Such face-to-face medical evaluation is not
22 necessary only if it is determined that the child was examined
23 by a physician for the alleged abuse or neglect, and a
24 consultation between the child protection team board-certified
25 pEDIatrician or nurse practitioner and the examining physician
26 concludes that a further medical evaluation is unnecessary.

27 ~~(4)(3)~~ In all instances in which a child protection
28 team is providing certain services to abused, abandoned, or
29 neglected children, other offices and units of the Department
30 of Health, and offices and units of the Department of Children
31

1 and Family Services, shall avoid duplicating the provision of
2 those services.

3 Section 10. Subsection (1) of section 39.304, Florida
4 Statutes, 1998 Supplement, is amended to read:

5 39.304 Photographs, medical examinations, X rays, and
6 medical treatment of abused, abandoned, or neglected child.--

7 (1)(a) Any person required to investigate cases of
8 suspected child abuse, abandonment, or neglect may take or
9 cause to be taken photographs of the areas of trauma visible
10 on a child who is the subject of a report. Any child
11 protection team that examines a child who is the subject of a
12 report must take, or cause to be taken, photographs of any
13 areas of trauma visible on the child. Such photographs shall
14 become part of the investigative file.

15 (b) If the areas of trauma visible on a child indicate
16 a need for a medical examination, or if the child verbally
17 complains or otherwise exhibits distress as a result of injury
18 through suspected child abuse, abandonment, or neglect, or is
19 alleged to have been sexually abused, the person required to
20 investigate may cause the child to be referred for diagnosis
21 to a licensed physician or an emergency department in a
22 hospital without the consent of the child's parents,
23 caregiver, or legal custodian. Such examination may be
24 performed by an advanced registered nurse practitioner
25 licensed pursuant to chapter 464. Any licensed physician, or
26 advanced registered nurse practitioner licensed pursuant to
27 chapter 464, who has reasonable cause to suspect that an
28 injury was the result of child abuse, abandonment, or neglect
29 may authorize a radiological examination to be performed on
30 the child without the consent of the child's parent,
31 caregiver, or legal custodian.

1 Section 11. Section 39.306, Florida Statutes, 1998
2 Supplement, is amended to read:
3 39.306 Child protective investigations; working
4 agreements with local law enforcement.--The department shall
5 enter into agreements with the jurisdictionally responsible
6 county sheriffs' offices and local police departments that
7 will assume the lead in conducting any potential criminal
8 investigations arising from allegations of child abuse,
9 abandonment, or neglect. The written agreement must specify
10 how the requirements of this chapter will be met. For the
11 purposes of such agreement, the jurisdictionally responsible
12 law enforcement entity is authorized to share Florida criminal
13 history and local criminal history information that is not
14 otherwise exempt from s. 119.07(1) with the district
15 personnel, authorized agent, or contract provider directly
16 responsible for the child protective investigation and
17 emergency child placement. The agencies entering into such
18 agreement must comply with s. 943.0525. Criminal justice
19 information provided by such law enforcement entity shall be
20 used only for the purposes specified in the agreement and
21 shall be provided at no charge. Notwithstanding any other
22 provision of law, the Department of Law Enforcement shall
23 provide to the department electronic access to Florida
24 criminal justice information which is lawfully available and
25 not exempt from s. 119.07(1), only for the purpose of child
26 protective investigations and emergency child placement. As a
27 condition of access to such information, the department shall
28 be required to execute an appropriate user agreement
29 addressing the access, use, dissemination, and destruction of
30 such information and to comply with all applicable laws and
31 regulations, and rules of the Department of Law Enforcement.

1 Section 12. Subsection (8) of section 39.402, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 39.402 Placement in a shelter.--

4 (8)(a) A child may not be held in a shelter longer
5 than 24 hours unless an order so directing is entered by the
6 court after a shelter hearing. In the interval until the
7 shelter hearing is held, the decision to place the child in a
8 shelter or release the child from a shelter lies with the
9 protective investigator.

10 (b) The parents or legal custodians of the child shall
11 be given such notice as best ensures their actual knowledge of
12 the time and place of the shelter hearing. The failure to
13 provide notice to a party or participant does not invalidate
14 an order placing a child in a shelter if the court finds that
15 the petitioner has made a good faith effort to provide such
16 notice. The court shall require the parents or legal
17 custodians present at the hearing to provide to the court on
18 the record the names, addresses, and relationships of all
19 parents, prospective parents, and next of kin of the child, so
20 far as are known.

21 (c) At the shelter hearing, the court shall:

22 1. Appoint a guardian ad litem to represent the child,
23 unless the court finds that such representation is
24 unnecessary;

25 2. Inform the parents or legal custodians of their
26 right to counsel to represent them at the shelter hearing and
27 at each subsequent hearing or proceeding, and the right of the
28 parents to appointed counsel, pursuant to the procedures set
29 forth in s. 39.013; and

30 3. Give the parents or legal custodians an opportunity
31 to be heard and to present evidence.

1 (d) At the shelter hearing, in order to continue the
2 child in shelter care:

3 1. The department must establish probable cause that
4 reasonable grounds for removal exist and that the provision of
5 appropriate and available services will not eliminate the need
6 for placement; or-

7 2. The court must determine that additional time is
8 necessary, which may not exceed 72 hours, in which to obtain
9 and review documents pertaining to the family in order to
10 appropriately determine the risk to the child during which
11 time the child shall remain in the department's custody, if so
12 ordered by the court.

13 (e) At the shelter hearing, the department shall
14 provide the court copies of any available law enforcement,
15 medical, or other professional reports, and abuse hotline
16 reports.

17 (f) At the shelter hearing, the department shall
18 inform the court of:

19 1. Any current or previous case plans negotiated in
20 any district with the parents or caregivers under this chapter
21 and problems associated with compliance;

22 2. Any adjudication of the parents or caregivers of
23 delinquency;

24 3. Any past or current injunction for protection from
25 domestic violence; and

26 4. All of the child's places of residence during the
27 prior 12 months.

28 (g)(e) At the shelter hearing, each party shall
29 provide to the court a permanent mailing address. The court
30 shall advise each party that this address will be used by the
31 court and the petitioner for notice purposes unless and until

1 the party notifies the court and the petitioner in writing of
2 a new mailing address.

3 (h)~~(f)~~ The order for placement of a child in shelter
4 care must identify the parties present at the hearing and must
5 contain written findings:

6 1. That placement in shelter care is necessary based
7 on the criteria in subsections (1) and (2).

8 2. That placement in shelter care is in the best
9 interest of the child.

10 3. That continuation of the child in the home is
11 contrary to the welfare of the child because the home
12 situation presents a substantial and immediate danger to the
13 child's physical, mental, or emotional health or safety which
14 cannot be mitigated by the provision of preventive services.

15 4. That based upon the allegations of the petition for
16 placement in shelter care, there is probable cause to believe
17 that the child is dependent or that the court needs additional
18 time, which may not exceed 72 hours, in which to obtain and
19 review documents pertaining to the family in order to
20 appropriately determine the risk to the child.

21 5. That the department has made reasonable efforts to
22 prevent or eliminate the need for removal of the child from
23 the home. A finding of reasonable effort by the department to
24 prevent or eliminate the need for removal may be made and the
25 department is deemed to have made reasonable efforts to
26 prevent or eliminate the need for removal if:

27 a. The first contact of the department with the family
28 occurs during an emergency.

29 b. The appraisal of the home situation by the
30 department indicates that the home situation presents a
31 substantial and immediate danger to the child's physical,

1 mental, or emotional health or safety which cannot be
2 mitigated by the provision of preventive services.

3 c. The child cannot safely remain at home, either
4 because there are no preventive services that can ensure the
5 health and safety of the child or because, even with
6 appropriate and available services being provided, the health
7 and safety of the child cannot be ensured.

8 6. That the court notified the parents or legal
9 custodians of the subsequent dependency proceedings, including
10 scheduled hearings, and of the importance of the active
11 participation of the parents or legal custodians in those
12 subsequent proceedings and hearings.

13 7. That the court notified the parents or legal
14 custodians of their right to counsel to represent them at the
15 shelter hearing and at each subsequent hearing or proceeding,
16 and the right of the parents to appointed counsel, pursuant to
17 the procedures set forth in s. 39.013.

18 Section 13. Section 383.402, Florida Statutes, is
19 created to read:

20 383.402 Child abuse death review; State Child Abuse
21 Death Review Committee; local child abuse death review
22 committees.--

23 (1) It is the intent of the Legislature to establish a
24 statewide multidisciplinary, multiagency child abuse death
25 assessment and prevention system that consists of state and
26 local review committees. The state and local review committees
27 shall review the facts and circumstances of all deaths of
28 children from birth through age 18 which occur in this state
29 as the result of child abuse or neglect and for whom at least
30 one report of abuse or neglect was accepted by the central
31

1 abuse hotline within the Department of Children and Family
2 Services. The purpose of the review shall be to:

3 (a) Achieve a greater understanding of the causes and
4 contributing factors of deaths resulting from child abuse.

5 (b) Whenever possible, develop a communitywide
6 approach to address such cases and contributing factors.

7 (c) Identify any gaps, deficiencies, or problems in
8 the delivery of services to children and their families by
9 public and private agencies which may be related to deaths
10 that are the result of child abuse.

11 (d) Make and implement recommendations for changes in
12 law, rules, and policies, as well as develop practice
13 standards that support the safe and healthy development of
14 children and reduce preventable child abuse deaths.

15 (2)(a) The State Child Abuse Death Review Committee is
16 established within the Department of Health and shall consist
17 of a representative of the Department of Health, appointed by
18 the Secretary of Health, who shall serve as the state
19 committee coordinator. The head of each of the following
20 agencies or organizations shall also appoint a representative
21 to the state committee:

22 1. The Department of Legal Affairs.

23 2. The Department of Children and Family Services.

24 3. The Department of Law Enforcement.

25 4. The Department of Education.

26 5. The Florida Prosecuting Attorneys Association, Inc.

27 6. The Florida Medical Examiners Commission, whose
28 representative must be a forensic pathologist.

29 (b) In addition, the Secretary of Health shall appoint
30 the following members to the state committee, based on
31 recommendations from the Department of Health and the agencies

1 listed in paragraph (a), and ensuring that the committee
2 represents the regional, gender, and ethnic diversity of the
3 state to the greatest extent possible:

4 1. A board-certified pediatrician.

5 2. A public health nurse.

6 3. A mental health professional who treats children or
7 adolescents.

8 4. An employee of the Department of Children and
9 Family Services who supervises family services counselors and
10 who has at least 5 years of experience in child protective
11 investigations.

12 5. The medical director of a child protection team.

13 6. A member of a child advocacy organization.

14 7. A social worker who has experience in working with
15 victims and perpetrators of child abuse.

16 8. A person trained as a paraprofessional in patient
17 resources who is employed in a child abuse prevention program.

18 9. A law enforcement officer who has at least 5 years
19 of experience in children's issues.

20 10. A representative of the Florida Coalition Against
21 Domestic Violence.

22 11. A representative from a private provider of
23 programs on preventing child abuse and neglect.

24 (3) The State Child Abuse Death Review Committee
25 shall:

26 (a) Develop a system for collecting data on deaths
27 that are the result of child abuse. The system must include a
28 protocol for the uniform collection of data statewide, which
29 uses existing data-collection systems to the greatest extent
30 possible.

31

1 (b) Provide training to cooperating agencies,
2 individuals, and local child abuse death review committees on
3 the use of the child abuse death data system.

4 (c) Prepare an annual statistical report on the
5 incidence and causes of death resulting from child abuse in
6 the state during the prior calendar year. The state committee
7 shall submit a copy of the report by September 30 of each year
8 to the Governor, the President of the Senate, and the Speaker
9 of the House of Representatives, with the first annual report
10 due on September 30, 2000. The report must include
11 recommendations for state and local action, including specific
12 policy, procedural, regulatory, or statutory changes, and any
13 other recommended preventive action.

14 (d) Encourage and assist in developing the local child
15 abuse death review committees.

16 (e) Develop guidelines, standards, and protocols,
17 including a protocol for data collection, for local child
18 abuse death review committees, and provide training and
19 technical assistance to local committees.

20 (f) Develop guidelines for reviewing deaths that are
21 the result of child abuse, including guidelines to be used by
22 law enforcement agencies, prosecutors, medical examiners,
23 health care practitioners, health care facilities, and social
24 service agencies.

25 (g) Study the adequacy of laws, rules, training, and
26 services to determine what changes are needed to decrease the
27 incidence of child abuse deaths and develop strategies and
28 recruit partners to implement these changes.

29 (h) Provide consultation on individual cases to local
30 committees upon request.

31

1 (i) Educate the public regarding the Kayla McKean
2 Child Protection Act, the incidence and causes of child abuse
3 death, and ways by which such deaths may be prevented.

4 (j) Promote continuing education for professionals who
5 investigate, treat, and prevent child abuse or neglect.

6 (k) Recommend, when appropriate, the review of the
7 death certificate of a child who died as a result of abuse or
8 neglect.

9 (4) The members of the state committee shall be
10 appointed to staggered terms of office which may not exceed 2
11 years, as determined by the Secretary of Health. Members are
12 eligible for reappointment. The state committee shall elect a
13 chairperson from among its members to serve for a 2-year term,
14 and the chairperson may appoint ad hoc committees as necessary
15 to carry out the duties of the committee.

16 (5) Members of the state committee shall serve without
17 compensation but are entitled to reimbursement for per diem
18 and travel expenses incurred in the performance of their
19 duties as provided in s. 112.061 and to the extent that funds
20 are available.

21 (6) At the direction of the Secretary of Health, the
22 director of each county health department, or the directors of
23 two or more county health departments by agreement, may
24 convene and support a county or multicounty child abuse death
25 review committee in accordance with the protocols established
26 by the State Child Abuse Death Review Committee. Each local
27 committee must include a local state attorney, or his or her
28 designee, and any other members that are determined by
29 guidelines developed by the State Child Abuse Death Review
30 Committee. The members of a local committee shall be appointed
31 to 2-year terms and may be reappointed. The local committee

1 shall elect a chairperson from among its members. Members
2 shall serve without compensation but are entitled to
3 reimbursement for per diem and travel expenses incurred in the
4 performance of their duties as provided in s. 112.061 and to
5 the extent that funds are available.

6 (7) Each local child abuse death review committee
7 shall:

8 (a) Review all deaths resulting from child abuse which
9 are reported to the Office of Vital Statistics.

10 (b) Assist the state committee in collecting data on
11 deaths that are the result of child abuse, in accordance with
12 the protocol established by the state committee.

13 (c) Submit written reports at the direction of the
14 state committee. The reports must include nonidentifying
15 information on individual cases and the steps taken by the
16 local committee and private and public agencies to implement
17 necessary changes and improve the coordination of services and
18 reviews.

19 (d) Submit all records requested by the state
20 committee at the conclusion of its review of a death resulting
21 from child abuse.

22 (e) Abide by the standards and protocols developed by
23 the state committee.

24 (f) On a case-by-case basis, request that the state
25 committee review the data of a particular case.

26 (8) Notwithstanding any other law, the chairperson of
27 the State Child Abuse Death Review Committee, or the
28 chairperson of a local committee, shall be provided with
29 access to any information or records that pertain to a child
30 whose death is being reviewed by the committee and that are
31 necessary for the committee to carry out its duties, including

1 information or records that pertain to the child's family, as
2 follows:

3 (a) Information or records of a public or private
4 provider of medical, dental, or mental health care, including,
5 but not limited to, a facility licensed under chapter 393,
6 chapter 394, or chapter 395, or a health care practitioner as
7 defined in s. 455.501.

8 (b) Information or records of any state agency or
9 political subdivision which might assist a committee in
10 reviewing a child's death, including, but not limited to,
11 information or records of the Department of Children and
12 Family Services, the Department of Health, the Department of
13 Education, or the Department of Juvenile Justice.

14 (9) The State Child Abuse Death Review Committee or a
15 local committee shall have access to all information of a law
16 enforcement agency which is not the subject of an active
17 investigation and which pertains to the review of the death of
18 a child. A committee may not disclose any information that is
19 not subject to public disclosure by the law enforcement
20 agency, and active criminal intelligence information or
21 criminal investigative information, as defined in s.
22 119.011(3), may not be made available for review or access
23 under this section.

24 (10) The state committee and any local committee may
25 share any relevant information that pertains to the review of
26 the death of a child.

27 (11) A member of the state committee or a local
28 committee may not contact, interview, or obtain information by
29 request or subpoena directly from a member of a deceased
30 child's family as part of a committee's review of a child
31 abuse death, except that if a committee member is also a

1 public officer or state employee, that member may contact,
2 interview, or obtain information from a member of the deceased
3 child's family, if necessary, as part of the committee's
4 review. A member of the deceased child's family may
5 voluntarily provide records or information to the state
6 committee or a local committee.

7 (12) The chairperson of the State Child Abuse Death
8 Review Committee may require the production of records by
9 requesting a subpoena, through the Department of Legal
10 Affairs, in any county of the state. Such subpoena is
11 effective throughout the state and may be served by any
12 sheriff. Failure to obey the subpoena is punishable as
13 provided by law.

14 (13) This section does not authorize the members of
15 the state committee or any local committee to have access to
16 any grand jury proceedings.

17 (14) The attendance by any person at a meeting of the
18 state committee or a local committee may not be used as
19 grounds to require that person to testify in any civil or
20 criminal proceeding. An organization, institution, committee
21 member, or other person who furnishes information, data,
22 reports, or records to the state committee or a local
23 committee is not liable for damages to any person and is not
24 subject to any other civil or criminal recourse. This
25 subsection does not apply to any person who admits to
26 committing a crime.

27 (15) The Department of Health shall administer the
28 funds appropriated to operate the review committees and may
29 apply for grants and accept donations.

30 (16) To the extent that funds are available, the
31 Department of Health may hire staff or consultants to assist a

1 review committee in performing its duties. Funds may also be
2 used to reimburse reasonable expenses of the staff and
3 consultants for the state committee and the local committees.

4 (17) For the purpose of carrying out the
5 responsibilities assigned to the State Child Abuse Death
6 Review Committee and the local review committees, the
7 Secretary of Health may substitute an existing entity whose
8 function and organization are the same as the function and
9 organization of the committees established by this section.

10 Section 14. Present subsections (3), (4), (5), and (6)
11 of section 409.1671, Florida Statutes, 1998 Supplement, are
12 redesignated as subsections (4), (5), (6), and (7),
13 respectively, and a new subsection (3) is added to that
14 section, to read:

15 409.1671 Foster care and related services;
16 privatization.--

17 (3)(a) In order to help assure a seamless child
18 protection system, both the department or its agent and the
19 community-based agencies shall participate in a case-transfer
20 process to determine the date that the community-based agency
21 will initiate the appropriate services for a child and family.
22 This case-transfer process must clearly identify the closure
23 of the protective investigation and the initiation of service
24 provision. At the point of case transfer, the department must
25 provide a complete summary of the findings of the
26 investigation to the community-based agency.

27 (b) Each community-based agency shall furnish regular
28 status reports of its cases to the department as specified in
29 the contract. A provider may not discontinue services without
30 prior written notification to the department. Within 7 days
31 after discontinuing services to a child or a child and family,

1 the community-based agency must provide a written case
2 summary, including its assessment of the child and family, to
3 the department.

4 (c) When a community-based agency files a petition for
5 dependency for a child who was referred by the department or
6 its agent, the costs associated with required legal counsel
7 must be borne by the department. The reimbursement for such
8 costs may not exceed the maximum cost in the agency's district
9 for similar legal counsel provided during the quarter for the
10 department.

11 (d) The annual contract between the department and
12 community-based agencies must include provisions that specify
13 the procedures to be used by the parties to resolve
14 differences in interpreting the contract or to resolve
15 disputes as to the adequacy of the parties' compliance with
16 their respective obligations under the contract.

17 Section 15. Section 777.03, Florida Statutes, as
18 amended by section 16 of chapter 97-194, Laws of Florida, is
19 amended to read:

20 777.03 Accessory after the fact.--

21 (1)(a) Any person not standing in the relation of
22 husband or wife, parent or grandparent, child or grandchild,
23 brother or sister, by consanguinity or affinity to the
24 offender, who maintains or assists the principal or accessory
25 before the fact, or gives the offender any other aid, knowing
26 that the offender had committed a felony or been accessory
27 thereto before the fact, with intent that the offender avoids
28 or escapes detection, arrest, trial or punishment, is an
29 accessory after the fact.

30 (b) Any person, regardless of the relation to the
31 offender, who maintains or assists the principle or accessory

1 before the fact, or gives the offender any other aid, knowing
2 that the offender had committed the offense of child abuse,
3 neglect of a child, aggravated child abuse, aggravated
4 manslaughter of a child under 18 years of age, or murder of a
5 child under 18 years of age, or had been accessory thereto
6 before the fact, with the intent that the offender avoids or
7 escapes detection, arrest, trial, or punishment, is an
8 accessory after the fact.

9 (2)(a) If the felony offense committed is a capital
10 felony, the offense of accessory after the fact is a felony of
11 the first degree, punishable as provided in s. 775.082, s.
12 775.083, or s. 775.084.

13 (b) If the felony offense committed is a life felony
14 or a felony of the first degree, the offense of accessory
15 after the fact is a felony of the second degree, punishable as
16 provided in s. 775.082, s. 775.083, or s. 775.084.

17 (c) If the felony offense committed is a felony of the
18 second degree or a felony of the third degree ranked in level
19 3, 4, 5, 6, 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,
20 the offense of accessory after the fact is a felony of the
21 third degree, punishable as provided in s. 775.082, s.
22 775.083, or s. 775.084.

23 (d) If the felony offense committed is a felony of the
24 third degree ranked in level 1 or level 2 under s. 921.0022 or
25 s. 921.0023, the offense of accessory after the fact is a
26 misdemeanor of the first degree, punishable as provided in s.
27 775.082, s. 775.083, or s. 775.084.

28 (3) Except as otherwise provided in s. 921.0022, for
29 purposes of sentencing under chapter 921 and determining
30 incentive gain-time eligibility under chapter 944, the offense
31 of accessory after the fact is ranked two levels below the

1 ranking under s. 921.0022 or s. 921.0023 of the felony offense
2 committed.

3 Section 16. Subsection (2) of section 827.03, Florida
4 Statutes, is amended to read:

5 827.03 Abuse, aggravated abuse, and neglect of a
6 child; penalties.--

7 (2) "Aggravated child abuse" occurs when a person:

8 (a) Commits aggravated battery on a child;

9 (b) Willfully tortures, maliciously punishes, or
10 willfully and unlawfully cages a child; or

11 (c) Knowingly or willfully abuses a child and in so
12 doing causes great bodily harm, permanent disability, or
13 permanent disfigurement to the child.

14

15 A person who commits aggravated child abuse commits a felony
16 of the first ~~second~~ degree, punishable as provided in s.
17 775.082, s. 775.083, or s. 775.084.

18 Section 17. Paragraphs (h), (i), and (j) of subsection
19 (3) of section 921.0022, Florida Statutes, 1998 Supplement,
20 are amended to read:

21 921.0022 Criminal Punishment Code; offense severity
22 ranking chart.--

23 (3) OFFENSE SEVERITY RANKING CHART

24

25 Florida	Felony	
26 Statute	Degree	Description

27

28

29 (h) LEVEL 8

30 316.193

31 (3)(c)3.a. 2nd DUI manslaughter.

1	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
2	777.03(2)(a)	1st	Accessory after the fact, capital
3			felony.
4	782.04(4)	2nd	Killing of human without design
5			when engaged in act or attempt of
6			any felony other than arson,
7			sexual battery, robbery,
8			burglary, kidnapping, aircraft
9			piracy, or unlawfully discharging
10			bomb.
11	782.051(2)	1st	Attempted felony murder while
12			perpetrating or attempting to
13			perpetrate a felony not
14			enumerated in s. 782.04(3).
15	782.071(2)	2nd	Committing vehicular homicide and
16			failing to render aid or give
17			information.
18	782.072(2)	2nd	Committing vessel homicide and
19			failing to render aid or give
20			information.
21	790.161(3)	1st	Discharging a destructive device
22			which results in bodily harm or
23			property damage.
24	794.011(5)	2nd	Sexual battery, victim 12 years
25			or over, offender does not use
26			physical force likely to cause
27			serious injury.
28	806.01(1)	1st	Maliciously damage dwelling or
29			structure by fire or explosive,
30			believing person in structure.
31	810.02(2)(a)	1st,PBL	Burglary with assault or battery.

1	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
2			or dangerous weapon.
3	810.02(2)(c)	1st	Burglary of a dwelling or
4			structure causing structural
5			damage or \$1,000 or more property
6			damage.
7	812.13(2)(b)	1st	Robbery with a weapon.
8	812.135(2)	1st	Home-invasion robbery.
9	825.102(2)	2nd	Aggravated abuse of an elderly
10			person or disabled adult.
11	825.103(2)(a)	1st	Exploiting an elderly person or
12			disabled adult and property is
13			valued at \$100,000 or more.
14	827.03(2)	2nd	Aggravated child abuse.
15	837.02(2)	2nd	Perjury in official proceedings
16			relating to prosecution of a
17			capital felony.
18	837.021(2)	2nd	Making contradictory statements
19			in official proceedings relating
20			to prosecution of a capital
21			felony.
22	860.121(2)(c)	1st	Shooting at or throwing any
23			object in path of railroad
24			vehicle resulting in great bodily
25			harm.
26	860.16	1st	Aircraft piracy.
27	893.13(1)(b)	1st	Sell or deliver in excess of 10
28			grams of any substance specified
29			in s. 893.03(1)(a) or (b).
30			
31			

1	893.13(2)(b)	1st	Purchase in excess of 10 grams of
2			any substance specified in s.
3			893.03(1)(a) or (b).
4	893.13(6)(c)	1st	Possess in excess of 10 grams of
5			any substance specified in s.
6			893.03(1)(a) or (b).
7	893.135(1)(a)2.	1st	Trafficking in cannabis, more
8			than 2,000 lbs., less than 10,000
9			lbs.
10	893.135		
11	(1)(b)1.b.	1st	Trafficking in cocaine, more than
12			200 grams, less than 400 grams.
13	893.135		
14	(1)(c)1.b.	1st	Trafficking in illegal drugs,
15			more than 14 grams, less than 28
16			grams.
17	893.135		
18	(1)(d)1.b.	1st	Trafficking in phencyclidine,
19			more than 200 grams, less than
20			400 grams.
21	893.135		
22	(1)(e)1.b.	1st	Trafficking in methaqualone, more
23			than 5 kilograms, less than 25
24			kilograms.
25	893.135		
26	(1)(f)1.b.	1st	Trafficking in amphetamine, more
27			than 28 grams, less than 200
28			grams.
29			
30			
31			

1	893.135		
2	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
3			grams or more, less than 28
4			grams.
5	895.03(1)	1st	Use or invest proceeds derived
6			from pattern of racketeering
7			activity.
8	895.03(2)	1st	Acquire or maintain through
9			racketeering activity any
10			interest in or control of any
11			enterprise or real property.
12	895.03(3)	1st	Conduct or participate in any
13			enterprise through pattern of
14			racketeering activity.
15			(i) LEVEL 9
16	316.193		
17	(3)(c)3.b.	1st	DUI manslaughter; failing to
18			render aid or give information.
19	782.04(1)	1st	Attempt, conspire, or solicit to
20			commit premeditated murder.
21	782.04(3)	1st,PBL	Accomplice to murder in
22			connection with arson, sexual
23			battery, robbery, burglary, and
24			other specified felonies.
25	782.051(1)	1st	Attempted felony murder while
26			perpetrating or attempting to
27			perpetrate a felony enumerated in
28			s. 782.04(3).
29	782.07(2)	1st	Aggravated manslaughter of an
30			elderly person or disabled adult.
31			

1	782.07(3)	1st	Aggravated manslaughter of a
2			child.
3	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
4			reward or as a shield or hostage.
5	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
6			or facilitate commission of any
7			felony.
8	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
9			interfere with performance of any
10			governmental or political
11			function.
12	787.02(3)(a)	1st	False imprisonment; child under
13			age 13; perpetrator also commits
14			child abuse, sexual battery,
15			lewd, or lascivious act, etc.
16	790.161	1st	Attempted capital destructive
17			device offense.
18	794.011(2)	1st	Attempted sexual battery; victim
19			less than 12 years of age.
20	794.011(2)	Life	Sexual battery; offender younger
21			than 18 years and commits sexual
22			battery on a person less than 12
23			years.
24	794.011(4)	1st	Sexual battery; victim 12 years
25			or older, certain circumstances.
26	794.011(8)(b)	1st	Sexual battery; engage in sexual
27			conduct with minor 12 to 18 years
28			by person in familial or
29			custodial authority.
30	812.13(2)(a)	1st,PBL	Robbery with firearm or other
31			deadly weapon.

1	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
2			deadly weapon.
3	<u>827.03(2)</u>	<u>1st</u>	<u>Aggravated child abuse.</u>
4	847.0145(1)	1st	Selling, or otherwise
5			transferring custody or control,
6			of a minor.
7	847.0145(2)	1st	Purchasing, or otherwise
8			obtaining custody or control, of
9			a minor.
10	859.01	1st	Poisoning food, drink, medicine,
11			or water with intent to kill or
12			injure another person.
13	893.135	1st	Attempted capital trafficking
14			offense.
15	893.135(1)(a)3.	1st	Trafficking in cannabis, more
16			than 10,000 lbs.
17	893.135		
18	(1)(b)1.c.	1st	Trafficking in cocaine, more than
19			400 grams, less than 150
20			kilograms.
21	893.135		
22	(1)(c)1.c.	1st	Trafficking in illegal drugs,
23			more than 28 grams, less than 30
24			kilograms.
25	893.135		
26	(1)(d)1.c.	1st	Trafficking in phencyclidine,
27			more than 400 grams.
28	893.135		
29	(1)(e)1.c.	1st	Trafficking in methaqualone, more
30			than 25 kilograms.
31			

1 893.135
2 (1)(f)1.c. 1st Trafficking in amphetamine, more
3 than 200 grams.
4 (j) LEVEL 10
5 782.04(2) 1st,PBL Unlawful killing of human; act is
6 homicide, unpremeditated.
7 787.01(1)(a)3. 1st,PBL Kidnapping; inflict bodily harm
8 upon or terrorize victim.
9 787.01(3)(a) Life Kidnapping; child under age 13,
10 perpetrator also commits child
11 abuse, sexual battery, lewd, or
12 lascivious act, etc.
13 782.07(3) 1st Aggravated manslaughter of a
14 child.
15 794.011(3) Life Sexual battery; victim 12 years
16 or older, offender uses or
17 threatens to use deadly weapon or
18 physical force to cause serious
19 injury.
20 876.32 1st Treason against the state.
21 Section 18. Paragraph (g) of subsection (2) of section
22 934.03, Florida Statutes, is amended to read:
23 934.03 Interception and disclosure of wire, oral, or
24 electronic communications prohibited.--
25 (2)
26 (g) It is lawful under ss. 934.03-934.09 for an
27 employee of:
28 1. An ambulance service licensed pursuant to s.
29 401.25, a fire station employing firefighters as defined by s.
30 633.30, a public utility as defined by ss. 365.01 and 366.02,
31

1 a law enforcement agency as defined by s. 934.02(10), or any
2 other entity with published emergency telephone numbers; ~~or~~

3 2. An agency operating an emergency telephone number
4 "911" system established pursuant to s. 365.171; ~~or~~

5 3. The central abuse hotline operated pursuant to s.
6 39.201,

7
8 to intercept and record incoming wire communications; however,
9 such employee may intercept and record incoming wire
10 communications on published emergency telephone numbers only.
11 It is also lawful for such employee to intercept and record
12 outgoing wire communications to the numbers from which such
13 incoming wire communications were placed when necessary to
14 obtain information required to provide the emergency services
15 being requested.

16 Section 19. Section 39.823, Florida Statutes, 1998
17 Supplement, is amended to read:

18 39.823 Guardian advocates for drug dependent
19 newborns.--The Legislature finds that increasing numbers of
20 drug dependent children are born in this state. Because of
21 the parents' continued dependence upon drugs, the parents may
22 temporarily leave their child with a relative or other adult
23 or may have agreed to voluntary family services under s.
24 39.301(12)~~s. 39.301(8)~~. The relative or other adult may be
25 left with a child who is likely to require medical treatment
26 but for whom they are unable to obtain medical treatment. The
27 purpose of this section is to provide an expeditious method
28 for such relatives or other responsible adults to obtain a
29 court order which allows them to provide consent for medical
30 treatment and otherwise advocate for the needs of the child
31 and to provide court review of such authorization.

1 Section 20. The Department of Health, in consultation
2 with the Department of Children and Family Services and the
3 Florida Association of Counties, shall develop a plan for
4 submission to the Legislature describing the resources that
5 are necessary to provide adequate support for child protection
6 teams in each county. The plan must specify those resources
7 that should be provided by the state and those that should be
8 provided by the county. The Department of Health shall submit
9 the plan to the President of the Senate and the Speaker of the
10 House of Representatives by October 1, 1999.

11 Section 21. The Department of Children and Family
12 Services shall contract with an independent entity for the
13 purpose of evaluating the central abuse hotline within the
14 department to determine its effectiveness and efficiency in
15 performing its statutory responsibilities pursuant to chapter
16 39, Florida Statutes. This evaluation must include, but need
17 not be limited to, the criteria and the application of
18 criteria by which calls are accepted or denied. This
19 evaluation must also address the need to monitor the central
20 abuse hotline on an ongoing basis and, if recommended, must
21 propose the monitoring process.

22 Section 22. For the purpose of implementing the
23 requirements of this act relating to the evaluation of the
24 hotline, the sum of \$75,000 is appropriated from the General
25 Revenue Fund to the Department of Children and Family Services
26 for the 1999-2000 fiscal year.

27 Section 23. Full-time equivalent positions of the
28 Department of Children and Family Services which are directly
29 involved in the investigation of child abuse and neglect or in
30 the performance of activities directly related to the
31 protection of children who have been or are at risk of abuse

1 and neglect are not subject to position-lapse adjustments
2 included in the General Appropriations Act or to agency
3 imposed position-lapse adjustments included in annual agency
4 operating budgets. It is the intent of the Legislature that
5 such positions be promptly filled and delays in hiring be kept
6 to a minimum.

7 Section 24. This act shall take effect July 1, 1999.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 PROPOSED COMMITTEE SUBSTITUTE FOR
3 SB 338
4 Abuse Reports
5 Adds judges to the list of occupational groups that must
6 report child abuse, abandonment, or neglect;
7 Requires the Department of Children and Family Services to
8 accept for investigation any report from a judge, teacher or
9 other professional school official;
10 Requires the Department of Children and Family Services to
11 voice-record all incoming and outgoing calls that are received
12 or placed by the central abuse hotline and to consider the
13 recording confidential information;
14 Requires the Department of Children and Family Services to
15 simultaneously notify the appropriate law enforcement agency
16 in the county in which the abuse, abandonment, or neglect is
17 believed to have occurred so that law enforcement may
18 determine if a criminal investigation of the case is warranted
19 and, if so, to take the lead in such investigations and
20 coordinate their investigation whenever possible with the
21 child protective investigation.
22 Requires the Department of Children and Family Services'
23 quality assurance program to review reports to the hotline
24 involving three or more unaccepted reports with the Assistant
25 Secretary referring those identified cases that warrant an
26 investigation;
27 Requires the department to provide a written summary of the
28 outcome of the investigation to reporters listed in s.
29 39.201(1), F.S., who report in his or her official capacity;
30 Requires the Department of Children and Family Services to
31 contract with an independent entity to evaluate the hotline to
determine its effectiveness and efficiency and address the
need to monitor the hotline on an ongoing basis and, if an
ongoing evaluation is recommended, to propose the monitoring
process;
Appropriates \$75,000 from General Revenue funds to the
department for FY 1999-2000 for the evaluation of the hotline;
Child Protective Investigation/Removing the Child from the
Home
Includes in the definition of "harm" placing the child with
another person/making the child unavallable in order to impede
or avoid a protective investigation;
Requires the Department of Children and Family Services to
maintain a master file for each child whose report is accepted
by the abuse hotline for investigation;
Requires that, to the extent that is practical, all protective
investigations for an individual child be conducted by the

1 same worker or supervised by the same supervisor;

2 Requires the Department of Children and Family Services to
3 conduct a multidisciplinary staffing when a new investigator
4 is assigned to investigate a second or subsequent report
5 involving a child;

6 Directs the Department of Children and Family Services to
7 develop a rule that ensures that all required investigatory
8 activities are completed and reviewed in a timely manner and
9 signed and dated;

10 Requires that the assessment of risk and perceived needs of
11 the child and family include a face-to-face interview with the
12 child, other siblings, parents, and other adults in the
13 household and an onsite assessment of the child's residence;

14 Requires that onsite visits and face-to-face interviews with
15 the child or family be unannounced unless it would threaten
16 the safety of the child;

17 Directs the Department of Children and Family Services to
18 adopt a rule that specifies factors requiring the department
19 to take the child into custody or petition the court for
20 removal of the child from the home; specifies that those
21 factors must include: treatment in an emergency room of a
22 child who is the subject of an abuse report, noncompliance
23 with the case plan developed by the department or its agent
24 and the family, and prior abuse reports that involve the child
25 or caregiver.

26 Requires a law enforcement agency participating in an
27 investigation to take photographs of the child's living
28 environment that become part of the investigative file;

29 Authorizes the court to continue a child in shelter care for
30 up to 72 additional hours in order for the court to obtain and
31 review critical documents;

Requires the Department of Children and Family Services to
provide to the court at the shelter hearing copies of any
available law enforcement, medical, or other professional
reports and pertinent abuse hotline reports;

Requires the Department of Children and Family Services to
inform the court at the shelter hearing of specific
information such as current or previous case plans and any
problems with compliance, any delinquency adjudication of the
parents or caregivers and all of the child's places of
residence during the past 12 months;

Requires that full-time equivalent positions directly involved
in the investigation of child abuse or neglect or related to
the protection of children not be subject to position lapse
adjustments in the General Appropriation Act or imposed by the
department in its annual operating budget;

Authorizes local law enforcement agencies to share local
criminal history information and authorizes the Department of
Children and Family Services to access Department of
Corrections records when assessing risk;

1 Child Protection Teams

2 Includes representatives of school districts in the group of
3 professionals that may constitute child protection teams;

4 Requires that all cases referred to the child protection team
5 be timely reviewed by a board certified pediatrician or
6 registered nurse practitioner who is under the supervision of
7 the board certified pediatrician; a face to face medical
8 evaluation is not necessary in these cases only if the
9 examining physician and the child protection team pediatrician
10 or nurse practitioner conclude that further medical evaluation
11 is not necessary;

12 Specifies that a child of any age with bruises, burns, or
13 fractures who is the subject of a report be referred to the
14 child protection team rather than only those children under
15 the age of three;

16 Specifies that a child with injuries to the head who is the
17 subject of a report be referred to the child protection team;

18 Requires that the child protection team take photographs of
19 any area of trauma visible on a child during their examination
20 and that the photographs become part of the investigative
21 file;

22 Requires that the Department of Health in consultation with
23 the Department of Children and Family Services and the Florida
24 Association of Counties develop a plan to describing the
25 resources necessary, from both the county and the state, to
26 provide adequate support for child protection teams in each
27 county in Florida and provides that the Department of Health
28 submit the plan to the Governor and Legislature by October 1,
29 1999;

30 Provision of Child Protection Services By Community-Based
31 Agencies

32 Specifies that certain community-based agencies may be
33 designated as a "participant" at the discretion of the court
34 in order to inform the court of relevant information about the
35 child or family;

36 Establishes a case transfer process between the
37 community-based agency and the Department of Children and
38 Family Services and clearly identifies the closure of the
39 protective investigation and the initiation of service by the
40 community-based agency;

41 Requires that each community-based agency furnish status
42 reports of its cases to the Department of Children and Family
43 Services and notify the department in writing prior to
44 services being discontinued;

45 Requires that costs within a specified limit associated with
46 required legal counsel for community-based agencies be borne
47 by the Department of Children and Family Services when these
48 agencies file petitions for dependency for a child who was
49 referred by the department or its agent;

50 Requires that the contract between the Department of Children
51 and Family Services and community-based providers include

1 | dispute resolution procedures;
2 | Child Abuse Death Review
3 | Establishes a State Child Abuse Death Review Committee within
4 | the Department of Health and establishes local child abuse
5 | death committees and specifies duties;
6 | Criminal Penalties
7 | Increases the penalty from a second degree misdemeanor to a
8 | first degree misdemeanor for persons who knowingly and
9 | willfully fail to report child abuse, abandonment, or neglect;
10 | Creates the penalty of a third degree felony for persons who
11 | are 18 years of age or older and live in the same house or
12 | living unit and knowingly and willfully fail to report that a
13 | child is known to be or suspected to be a victim of child
14 | abuse;
15 | Provides that a person who assists the perpetrator of child
16 | abuse, neglect of a child, aggravated child abuse, aggravated
17 | manslaughter of a child under 18 years of age, or murder of a
18 | child under 18 years of age is an accessory after the fact;
19 | Changes the penalties for aggravated child abuse from second
20 | degree felony to first degree felony;
21 | Moves "aggravated child abuse" from Level 8 to Level 9 and
22 | "aggravated manslaughter of a child" from Level 9 to Level 10
23 | on the Offense Severity Ranking Chart.
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