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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 establish an  
8 internal operating procedure governing the  
9 completion of investigatory activities;  
10 revising requirements for conducting risk  
11 assessments and onsite child protective  
12 investigations; authorizing the department to  
13 conduct unannounced visits and interviews;  
14 requiring that the department adopt rules  
15 specifying criteria under which a child is  
16 taken into custody, that a petition be filed  
17 with the court, or that an administrative  
18 review be held; requiring documentation;  
19 requiring that law enforcement agencies  
20 participating in an investigation take  
21 photographs of the child's living environment  
22 which shall be part of the investigative file;  
23 requiring certain training; amending s. 39.302,  
24 F.S.; authorizing the department to conduct  
25 unannounced visits when conducting an  
26 investigation; requiring that the department  
27 conduct certain onsite visits; amending s.  
28 39.303, F.S.; providing for a child protection  
29 team to include a representative of the school  
30 district; providing for medical evaluations in  
31 certain cases of child abuse, abandonment, and

1 neglect; specifying additional conditions that  
2 must be evaluated by the child protection team;  
3 amending s. 39.304, F.S.; requiring that  
4 photographs be taken of visible trauma on a  
5 child which shall be part of the investigative  
6 file; amending s. 39.306, F.S.; specifying  
7 local criminal history information that a law  
8 enforcement entity is authorized to share;  
9 amending s. 39.402, F.S.; authorizing the court  
10 to order that a child remain in the  
11 department's custody for an additional period  
12 in order for the court to determine risk to the  
13 child; requiring that the department provide  
14 certain information to the court at the shelter  
15 hearing; creating s. 383.402, F.S.; creating  
16 the State Child Abuse Death Review Committee;  
17 providing for membership of the committee;  
18 specifying the duties of the committee;  
19 providing for terms of office; providing for  
20 members of the committee to be reimbursed for  
21 expenses; providing for counties to establish  
22 local child abuse death review committees;  
23 providing for membership and duties;  
24 authorizing the review committees to have  
25 access to information pertaining to the death  
26 of a child; authorizing providers to charge a  
27 specified fee; authorizing the State Child  
28 Abuse Death Review Committee to issue  
29 subpoenas; requiring the Department of Health  
30 to administer the funds appropriated to operate  
31 the review committees; requiring that the

1 Department of Children and Family Services  
2 appoint a child abuse death review coordinator  
3 in each district; amending s. 409.1671, F.S.;  
4 requiring a case-transfer process; requiring  
5 that private providers furnish status reports  
6 to the Department of Children and Family  
7 Services; prohibiting a provider from  
8 discontinuing services without the department's  
9 written notification; requiring that contracts  
10 between the department and community-based  
11 agencies include provisions for dispute  
12 resolution; amending s. 777.03, F.S.; providing  
13 that certain actions to assist an offender who  
14 has committed child abuse, child neglect, or  
15 the manslaughter or murder of a child under a  
16 specified age constitute acting as an accessory  
17 after the fact; providing penalties; amending  
18 s. 827.03, F.S.; increasing the penalties  
19 imposed for the offense of aggravated child  
20 abuse; amending s. 921.0022, F.S., relating to  
21 the offense severity ranking chart of the  
22 Criminal Punishment Code; conforming provisions  
23 to changes made by the act; amending s. 934.03,  
24 F.S.; authorizing the central abuse hotline to  
25 record incoming wire communications; amending  
26 s. 39.823, F.S., relating to guardian advocates  
27 for newborns; conforming a cross-reference to  
28 changes made by the act; requiring the  
29 Department of Health to develop a plan for  
30 county child protection teams; requiring the  
31 Department of Children and Family Services to

1 contract with an independent entity to evaluate  
2 the central abuse hotline; providing  
3 appropriations; providing for an analysis and  
4 report by the Office of Program Policy Analysis  
5 and Government Accountability; providing an  
6 effective date.

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

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

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

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

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

31

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

2

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

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

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

17 39.01 Definitions.--When used in this chapter, unless  
18 the context otherwise requires:

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

22 (1) Makes the child unavailable for the purpose of  
23 impeding or avoiding a protective investigation unless the  
24 court determines that the parent, legal custodian, or  
25 caregiver was fleeing from a situation involving domestic  
26 violence.

27 (50) "Participant," for purposes of a shelter  
28 proceeding, dependency proceeding, or termination of parental  
29 rights proceeding, means any person who is not a party but who  
30 should receive notice of hearings involving the child,  
31 including foster parents or caregivers, identified prospective

1 parents, grandparents entitled to priority for adoption  
2 consideration under s. 63.0425, actual custodians of the  
3 child, and any other person whose participation may be in the  
4 best interest of the child. A community-based agency under  
5 contract with the department to provide protective services  
6 may be designated as a participant at the discretion of the  
7 court. Participants may be granted leave by the court to be  
8 heard without the necessity of filing a motion to intervene.

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

12 39.201 Mandatory reports of child abuse, abandonment,  
13 or neglect; mandatory reports of death; central abuse  
14 hotline.--

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

16 (a) Physician, osteopathic physician, medical  
17 examiner, chiropractic physician, nurse, or hospital personnel  
18 engaged in the admission, examination, care, or treatment of  
19 persons;

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

22 (c) Practitioner who relies solely on spiritual means  
23 for healing;

24 (d) School teacher or other school official or  
25 personnel;

26 (e) Social worker, day care center worker, or other  
27 professional child care, foster care, residential, or  
28 institutional worker; ~~or~~

29 (f) Law enforcement officer; or

30 (g) Judge,

31

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

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

24 (b) The department must consider valid and accept for  
25 investigation any report received by the central abuse hotline  
26 from a judge, teacher or other professional school official,  
27 or physician, as specified in paragraph (1)(a), paragraph  
28 (1)(d), or paragraph (1)(g), who is acting in his or her  
29 professional capacity, alleging harm as defined in s. 39.01.

30 ~~(c)(b)~~ Reporters in occupation categories designated  
31 in subsection (1) are required to provide their names to the



1 hotline staff. The names of reporters shall be entered into  
2 the record of the report, but shall be held confidential as  
3 provided in s. 39.202.

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

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

10 1. The department shall determine the age of the  
11 alleged juvenile sexual offender if known.

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

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

27 (f)~~(e)~~ Hotline counselors shall receive periodic  
28 training in encouraging reporters to provide their names when  
29 reporting abuse, abandonment, or neglect. Callers shall be  
30 advised of the confidentiality provisions of s. 39.202. The  
31 department shall secure and install electronic equipment that

1 automatically provides to the hotline the number from which  
2 the call is placed. This number shall be entered into the  
3 report of abuse, abandonment, or neglect and become a part of  
4 the record of the report, but shall enjoy the same  
5 confidentiality as provided to the identity of the caller  
6 pursuant to s. 39.202.

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

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

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

29 Section 5. Subsection (4) of section 39.202, Florida  
30 Statutes, 1998 Supplement, is amended to read:  
31

1           39.202 Confidentiality of reports and records in cases  
2 of child abuse or neglect.--

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

22           Section 6. Section 39.205, Florida Statutes, 1998  
23 Supplement, is amended to read:

24           39.205 Penalties relating to reporting of child abuse,  
25 abandonment, or neglect.--

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

1           (2) Unless the court finds that the person is a victim  
2 of domestic violence or that other mitigating circumstances  
3 exist, a person who is 18 years of age or older and lives in  
4 the same house or living unit as a child who is known or  
5 suspected to be a victim of child abuse, neglect of a child,  
6 or aggravated child abuse, and knowingly and willfully fails  
7 to report the child abuse commits a felony of the third  
8 degree, punishable as provided in s. 775.082, s. 775.083, or  
9 s. 775.084.

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

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

22           ~~(5)(4)~~ If the department or its authorized agent has  
23 determined after its investigation that a report is false, the  
24 department shall, with the consent of the alleged perpetrator,  
25 refer the report to the local law enforcement agency having  
26 jurisdiction for an investigation to determine whether  
27 sufficient evidence exists to refer the case for prosecution  
28 for filing a false report as defined in s. 39.01(27). During  
29 the pendency of the investigation by the local law enforcement  
30 agency, the department must notify the local law enforcement  
31 agency of, and the local law enforcement agency must respond

1 to, all subsequent reports concerning children in that same  
2 family in accordance with s. 39.301. If the law enforcement  
3 agency believes that there are indicators of abuse,  
4 abandonment, or neglect, it must immediately notify the  
5 department, which must assure the safety of the children. If  
6 the law enforcement agency finds sufficient evidence for  
7 prosecution for filing a false report, it must refer the case  
8 to the appropriate state attorney for prosecution.

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

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

21 Section 7. Section 39.301, Florida Statutes, 1998  
22 Supplement, is amended to read:

23 39.301 Initiation of protective investigations.--

24 (1) Upon receiving an oral or written report of known  
25 or suspected child abuse, abandonment, or neglect, the central  
26 abuse hotline shall determine if the report requires an  
27 immediate onsite protective investigation. For reports  
28 requiring an immediate onsite protective investigation, the  
29 central abuse hotline shall immediately notify the  
30 department's designated children and families district staff  
31 responsible for protective investigations to ensure that an

1 onsite investigation is promptly initiated. For reports not  
2 requiring an immediate onsite protective investigation, the  
3 central abuse hotline shall notify the department's designated  
4 children and families district staff responsible for  
5 protective investigations in sufficient time to allow for an  
6 investigation. At the time of notification of district staff  
7 with respect to the report, the central abuse hotline shall  
8 also provide information on any previous report concerning a  
9 subject of the present report or any pertinent information  
10 relative to the present report or any noted earlier reports.

11 (2) Upon notification by the department's central  
12 abuse hotline under subsection (1), the designated child  
13 protective investigator shall immediately notify the  
14 appropriate law enforcement agency of the county in which the  
15 known or suspected child abuse, abandonment, or neglect is  
16 believed to have occurred. Upon receipt of a report, the law  
17 enforcement agency must review the report and determine  
18 whether a criminal investigation of the case is warranted and,  
19 if so, shall conduct the criminal investigation that shall be  
20 coordinated, whenever possible, with the child protective  
21 investigation of the department or its agent.

22 (3) The department shall maintain a master file for  
23 each child whose report is accepted by the central abuse  
24 hotline for investigation. Such file must contain information  
25 concerning all reports received concerning that child. The  
26 file must be made available to any department staff, agent of  
27 the department, or contract provider given responsibility for  
28 conducting a protective investigation.

29 (4) To the extent practical, all protective  
30 investigations involving a child shall be conducted or the  
31 work supervised by a single individual in order for there to

1 be broad knowledge and understanding of the child's history.  
2 When a new investigator is assigned to investigate a second  
3 and subsequent report involving a child, a multidisciplinary  
4 staffing shall be conducted which includes new and prior  
5 investigators, their supervisors, and appropriate private  
6 providers in order to ensure that, to the extent possible,  
7 there is coordination among all parties. The department shall  
8 establish an internal operating procedure that ensures that  
9 all required investigatory activities, including a review of  
10 the child's complete investigative and protective services  
11 history, are completed by the investigator, reviewed by the  
12 supervisor in a timely manner, and signed and dated by both  
13 the investigator and the supervisor.

14 (5)~~(2)~~(a) Upon commencing an investigation under this  
15 part, the child protective investigator shall inform any  
16 subject of the investigation of the following:

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

28 (b) The department's training program shall ensure  
29 that protective investigators know how to fully inform  
30 parents, guardians, and caregivers of their rights and  
31 options, including opportunities for audio or video recording

1 of investigators' interviews with parents, guardians,  
2 caretakers, or children.

3 (6)~~(3)~~ An assessment of risk and the perceived needs  
4 for the child and family shall be conducted in a manner that  
5 is sensitive to the social, economic, and cultural environment  
6 of the family. This assessment must include a face-to-face  
7 interview with the child, other siblings, parents, and other  
8 adults in the household and an onsite assessment of the  
9 child's residence.

10 (7)~~(4)~~ Protective investigations shall be performed by  
11 the department or its agent.

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

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

29 (b) If it is determined that the report or complaint  
30 is complete, but the interests of the child and the public  
31 will be best served by providing the child care or other



1 treatment voluntarily accepted by the child and the parents,  
2 caregivers, or legal custodians, the protective investigator  
3 may refer the child for such care or other treatment.

4 (c) If the person conducting the investigation refuses  
5 to request the attorney for the department to file a petition  
6 for dependency, the complainant shall be advised of the right  
7 to file a petition pursuant to this part.

8 ~~(9)(6)~~ For each report it receives, the department  
9 shall perform an onsite child protective investigation that  
10 includes a face-to-face interview with the child, other  
11 siblings, parents, and other adults in the household and an  
12 onsite assessment of the child's residence in order to:

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

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

28 (c) Determine the immediate and long-term risk to each  
29 child by conducting state and federal records checks,  
30 including, when feasible, the records of the Department of  
31 Corrections, on the parents, legal custodians, or caregivers,

1 and any other persons in the same household. This information  
2 shall be used solely for purposes supporting the detection,  
3 apprehension, prosecution, pretrial release, posttrial  
4 release, or rehabilitation of criminal offenders or persons  
5 accused of the crimes of child abuse, abandonment, or neglect  
6 and shall not be further disseminated or used for any other  
7 purpose. The department's child protection investigators are  
8 hereby designated a criminal justice agency for the purpose of  
9 accessing criminal justice information to be used for  
10 enforcing this state's laws concerning the crimes of child  
11 abuse, abandonment, and neglect.

12 (d) Determine the immediate and long-term risk to each  
13 child through utilization of standardized risk assessment  
14 instruments.

15 (e) Based on the information obtained from the  
16 caregiver, complete the risk assessment instrument within 48  
17 hours after the initial contact and, if needed, develop a case  
18 plan.

19 (f) Determine the protective, treatment, and  
20 ameliorative services necessary to safeguard and ensure the  
21 child's safety and well-being and development, and cause the  
22 delivery of those services through the early intervention of  
23 the department or its agent.

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

30 (11) Onsite visits and face-to-face interviews with  
31 the child or family shall be unannounced unless it is

1 determined by the department or its agent or contract provider  
2 that such unannounced visit would threaten the safety of the  
3 child.

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

7 1.~~(a)~~ Medical or other health care;

8 2.~~(b)~~ Homemaker care, day care, protective  
9 supervision, or other services to stabilize the home  
10 environment, including intensive family preservation services  
11 through the Family Builders Program, the Intensive Crisis  
12 Counseling Program, or both; or

13 3.~~(c)~~ Foster care, shelter care, or other substitute  
14 care to remove the child from the custody of the parents,  
15 legal guardians, or caregivers,

16  
17 such services shall first be offered for voluntary acceptance  
18 unless there are high-risk factors that may impact the ability  
19 of the parents, legal guardians, or caregivers to exercise  
20 judgment. Such factors may include the parents', legal  
21 guardians', or caregivers' young age or history of substance  
22 abuse or domestic violence.

23 (b) The parents, legal custodians, or caregivers shall  
24 be informed of the right to refuse services, as well as the  
25 responsibility of the department to protect the child  
26 regardless of the acceptance or refusal of services. If the  
27 services are refused and the department deems that the child's  
28 need for protection so requires, the department shall take the  
29 child into protective custody or petition the court as  
30 provided in this chapter.

31

1           (c) The department, in consultation with the  
2 judiciary, shall adopt by rule criteria that are factors  
3 requiring that the department take the child into custody,  
4 petition the court as provided in this chapter, or, if the  
5 child is not taken into custody or a petition is not filed  
6 with the court, conduct an administrative review. If after an  
7 administrative review the department determines not to take  
8 the child into custody or petition the court, the department  
9 shall document the reason for its decision in writing and  
10 include it in the investigative file. For all cases that were  
11 accepted by the local law enforcement agency pursuant to  
12 subsection (2), the department must include in the file  
13 written documentation that the administrative review included  
14 input from law enforcement. In addition, for all cases that  
15 must be referred to child protection teams pursuant to s.  
16 39.303(2) and (3), the file must include written documentation  
17 that the administrative review included the results of the  
18 medical evaluation. Factors that must be included in the  
19 development of the rule include noncompliance with the case  
20 plan developed by the department, or its agent, and the family  
21 under this chapter and prior abuse reports with findings that  
22 involve the child or caregiver.

23           ~~(13)(9)~~ When a child is taken into custody pursuant to  
24 this section, the authorized agent of the department shall  
25 request that the child's parent, caregiver, or legal custodian  
26 disclose the names, relationships, and addresses of all  
27 parents and prospective parents and all next of kin, so far as  
28 are known.

29           ~~(14)(10)~~ No later than 30 days after receiving the  
30 initial report, the local office of the department shall  
31 complete its investigation.

1            (15)~~(11)~~ Immediately ~~upon receipt of a report~~  
2 ~~alleging, or immediately~~ upon learning during the course of an  
3 investigation~~7~~that:

4            (a) The immediate safety or well-being of a child is  
5 endangered;

6            (b) The family is likely to flee;

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

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

11           (e) A child is a victim of sexual battery or of sexual  
12 abuse,

13

14 the department shall orally notify the jurisdictionally  
15 responsible state attorney, and county sheriff's office or  
16 local police department, and, within 3 days ~~as soon as~~  
17 ~~practicable~~, transmit the written report to those agencies.  
18 The law enforcement agency shall review the report and  
19 determine whether a criminal investigation needs to be  
20 conducted and shall assume lead responsibility for all  
21 criminal fact-finding activities. A criminal investigation  
22 shall be coordinated, whenever possible, with the child  
23 protective investigation of the department. Any interested  
24 person who has information regarding an offense described in  
25 this subsection may forward a statement to the state attorney  
26 as to whether prosecution is warranted and appropriate.

27           (16)~~(12)~~ In a child protective investigation or a  
28 criminal investigation, when the initial interview with the  
29 child is conducted at school, the department or the law  
30 enforcement agency may allow, notwithstanding the provisions  
31 of s. 39.0132(4), a school instructional staff member who is

1 known by the child to be present during the initial interview  
2 if:

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

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

8  
9 School instructional staff may only be present when authorized  
10 by this subsection. Information received during the interview  
11 or from any other source regarding the alleged abuse or  
12 neglect of the child shall be confidential and exempt from the  
13 provisions of s. 119.07(1), except as otherwise provided by  
14 court order. A separate record of the investigation of the  
15 abuse, abandonment, or neglect shall not be maintained by the  
16 school or school instructional staff member. Violation of this  
17 subsection constitutes a misdemeanor of the second degree,  
18 punishable as provided in s. 775.082 or s. 775.083.

19 (17) When a law enforcement agency is participating in  
20 an investigation, the agency shall take photographs of the  
21 child's living environment. Such photographs shall become part  
22 of the investigative file.

23 ~~(18)(13)~~ Within 15 days after the completion of the  
24 investigation of cases reported to him or her pursuant to this  
25 section, the state attorney shall report his or her findings  
26 to the department and shall include in such report a  
27 determination of whether or not prosecution is justified and  
28 appropriate in view of the circumstances of the specific case.

29 (19) In order to enhance the skills of individual  
30 staff and to improve the district's overall child protection  
31 system, the department's training program at the district

1 level must include periodic reviews of cases handled within  
2 the district in order to identify weaknesses as well as  
3 examples of effective interventions that occurred at each  
4 point in the case.

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

7 39.302 Protective investigations of institutional  
8 child abuse, abandonment, or neglect.--

9 (1) The department shall conduct a child protective  
10 investigation of each report of institutional child abuse,  
11 abandonment, or neglect. Upon receipt of a report which  
12 alleges that an employee or agent of the department, or any  
13 other entity or person covered by s. 39.01(32) or (47), acting  
14 in an official capacity, has committed an act of child abuse,  
15 abandonment, or neglect, the department shall immediately  
16 initiate a child protective investigation and orally notify  
17 the appropriate state attorney, law enforcement agency, and  
18 licensing agency. These agencies shall immediately conduct a  
19 joint investigation, unless independent investigations are  
20 more feasible. When conducting investigations onsite or having  
21 face-to-face interviews with the child, such investigation  
22 visits shall be unannounced unless it is determined by the  
23 department or its agent that such unannounced visits would  
24 threaten the safety of the child. When a facility is exempt  
25 from licensing, the department shall inform the owner or  
26 operator of the facility of the report. Each agency  
27 conducting a joint investigation shall be entitled to full  
28 access to the information gathered by the department in the  
29 course of the investigation. A protective investigation must  
30 include an onsite visit of the child's place of residence.In  
31 all cases, the department shall make a full written report to

1 the state attorney within 3 days after making the oral report.  
2 A criminal investigation shall be coordinated, whenever  
3 possible, with the child protective investigation of the  
4 department. Any interested person who has information  
5 regarding the offenses described in this subsection may  
6 forward a statement to the state attorney as to whether  
7 prosecution is warranted and appropriate. Within 15 days after  
8 the completion of the investigation, the state attorney shall  
9 report the findings to the department and shall include in  
10 such report a determination of whether or not prosecution is  
11 justified and appropriate in view of the circumstances of the  
12 specific case.

13 Section 9. Section 39.303, Florida Statutes, 1998  
14 Supplement, is amended to read:

15 39.303 Child protection teams; services; eligible  
16 cases.--The Division of Children's Medical Services of the  
17 Department of Health shall develop, maintain, and coordinate  
18 the services of one or more multidisciplinary child protection  
19 teams in each of the service districts of the Department of  
20 Children and Family Services. Such teams may be composed of  
21 appropriate representatives of school districts and  
22 appropriate health, mental health, social service, legal  
23 service, and law enforcement agencies. The Legislature finds  
24 that optimal coordination of child protection teams and sexual  
25 abuse treatment programs requires collaboration between the  
26 Department of Health and the Department of Children and Family  
27 Services. The two departments shall maintain an interagency  
28 agreement that establishes protocols for oversight and  
29 operations of child protection teams and sexual abuse  
30 treatment programs. The Secretary of Health and the Deputy  
31 Secretary for Children's Medical Services, in consultation



1 with the Secretary of Children and Family Services, shall  
2 maintain the responsibility for the screening, employment,  
3 and, if necessary, the termination of child protection team  
4 medical directors, at headquarters and in the 15 districts.  
5 Child protection team medical directors shall be responsible  
6 for oversight of the teams in the districts.

7 (1) The Department of Health shall utilize and convene  
8 the teams to supplement the assessment and protective  
9 supervision activities of the family safety and preservation  
10 program of the Department of Children and Family Services.  
11 Nothing in this section shall be construed to remove or reduce  
12 the duty and responsibility of any person to report pursuant  
13 to this chapter all suspected or actual cases of child abuse,  
14 abandonment, or neglect or sexual abuse of a child. The role  
15 of the teams shall be to support activities of the program and  
16 to provide services deemed by the teams to be necessary and  
17 appropriate to abused, abandoned, and neglected children upon  
18 referral. The specialized diagnostic assessment, evaluation,  
19 coordination, consultation, and other supportive services that  
20 a child protection team shall be capable of providing include,  
21 but are not limited to, the following:

22 (a) Medical diagnosis and evaluation services,  
23 including provision or interpretation of X rays and laboratory  
24 tests, and related services, as needed, and documentation of  
25 findings relative thereto.

26 (b) Telephone consultation services in emergencies and  
27 in other situations.

28 (c) Medical evaluation related to abuse, abandonment,  
29 or neglect, as defined by policy or rule of the Department of  
30 Health.

31

1           (d) Such psychological and psychiatric diagnosis and  
2 evaluation services for the child or the child's parent or  
3 parents, legal custodian or custodians, or other caregivers,  
4 or any other individual involved in a child abuse,  
5 abandonment, or neglect case, as the team may determine to be  
6 needed.

7           (e) Expert medical, psychological, and related  
8 professional testimony in court cases.

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

21           (g) Case service coordination and assistance,  
22 including the location of services available from other public  
23 and private agencies in the community.

24           (h) Such training services for program and other  
25 employees of the Department of Children and Family Services,  
26 employees of the Department of Health, and other medical  
27 professionals as is deemed appropriate to enable them to  
28 develop and maintain their professional skills and abilities  
29 in handling child abuse, abandonment, and neglect cases.

30           (i) Educational and community awareness campaigns on  
31 child abuse, abandonment, and neglect in an effort to enable

1 citizens more successfully to prevent, identify, and treat  
2 child abuse, abandonment, and neglect in the community.

3           (2) The child abuse, abandonment, and neglect reports  
4 ~~cases that must be referred~~ ~~are appropriate for referral~~ by  
5 the Department of Children and Family Services ~~family safety~~  
6 ~~and preservation program~~ to child protection teams of the  
7 Department of Health for medical evaluation and available  
8 support services as set forth in subsection (1) must include,  
9 ~~but are not limited to,~~ cases involving:

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

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

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

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

19           (d)(e) Reported malnutrition of a child and failure of  
20 a child to thrive.

21           (e)(f) Reported medical, physical, or emotional  
22 neglect of a child.

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

28           (g)(h) Symptoms of serious emotional problems in a  
29 child when emotional or other abuse, abandonment, or neglect  
30 is suspected.

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

1           (3) All abuse and neglect cases transmitted for  
2 investigation to a district by the hotline must be  
3 simultaneously transmitted to the Department of Health child  
4 protection team for review. All cases transmitted to the child  
5 protection team which meet the criteria in subsection (2) must  
6 be timely reviewed by a board-certified pediatrician or  
7 registered nurse practitioner under the supervision of such  
8 pEDIatrician for the purpose of determining whether a  
9 face-to-face medical evaluation by a child protection team is  
10 necessary. Such face-to-face medical evaluation is not  
11 necessary only if it is determined that the child was examined  
12 by a physician for the alleged abuse or neglect, and a  
13 consultation between the child protection team board-certified  
14 pEDIatrician or nurse practitioner and the examining physician  
15 concludes that a further medical evaluation is unnecessary.

16           ~~(4)(3)~~ In all instances in which a child protection  
17 team is providing certain services to abused, abandoned, or  
18 neglected children, other offices and units of the Department  
19 of Health, and offices and units of the Department of Children  
20 and Family Services, shall avoid duplicating the provision of  
21 those services.

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

24           39.304 Photographs, medical examinations, X rays, and  
25 medical treatment of abused, abandoned, or neglected child.--

26           (1)(a) Any person required to investigate cases of  
27 suspected child abuse, abandonment, or neglect may take or  
28 cause to be taken photographs of the areas of trauma visible  
29 on a child who is the subject of a report. Any child  
30 protection team that examines a child who is the subject of a  
31 report must take, or cause to be taken, photographs of any

1 areas of trauma visible on the child. Such photographs, or  
2 duplicates thereof, shall be provided to the department for  
3 inclusion in the investigative file and shall become part of  
4 that file.

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

22 Section 11. Section 39.306, Florida Statutes, 1998  
23 Supplement, is amended to read:

24 39.306 Child protective investigations; working  
25 agreements with local law enforcement.--The department shall  
26 enter into agreements with the jurisdictionally responsible  
27 county sheriffs' offices and local police departments that  
28 will assume the lead in conducting any potential criminal  
29 investigations arising from allegations of child abuse,  
30 abandonment, or neglect. The written agreement must specify  
31 how the requirements of this chapter will be met. For the

1 purposes of such agreement, the jurisdictionally responsible  
2 law enforcement entity is authorized to share Florida criminal  
3 history and local criminal history information that is not  
4 otherwise exempt from s. 119.07(1) with the district  
5 personnel, authorized agent, or contract provider directly  
6 responsible for the child protective investigation and  
7 emergency child placement. The agencies entering into such  
8 agreement must comply with s. 943.0525. Criminal justice  
9 information provided by such law enforcement entity shall be  
10 used only for the purposes specified in the agreement and  
11 shall be provided at no charge. Notwithstanding any other  
12 provision of law, the Department of Law Enforcement shall  
13 provide to the department electronic access to Florida  
14 criminal justice information which is lawfully available and  
15 not exempt from s. 119.07(1), only for the purpose of child  
16 protective investigations and emergency child placement. As a  
17 condition of access to such information, the department shall  
18 be required to execute an appropriate user agreement  
19 addressing the access, use, dissemination, and destruction of  
20 such information and to comply with all applicable laws and  
21 regulations, and rules of the Department of Law Enforcement.

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

24 39.402 Placement in a shelter.--

25 (8)(a) A child may not be held in a shelter longer  
26 than 24 hours unless an order so directing is entered by the  
27 court after a shelter hearing. In the interval until the  
28 shelter hearing is held, the decision to place the child in a  
29 shelter or release the child from a shelter lies with the  
30 protective investigator.

31

1           (b) The parents or legal custodians of the child shall  
2 be given such notice as best ensures their actual knowledge of  
3 the time and place of the shelter hearing. The failure to  
4 provide notice to a party or participant does not invalidate  
5 an order placing a child in a shelter if the court finds that  
6 the petitioner has made a good faith effort to provide such  
7 notice. The court shall require the parents or legal  
8 custodians present at the hearing to provide to the court on  
9 the record the names, addresses, and relationships of all  
10 parents, prospective parents, and next of kin of the child, so  
11 far as are known.

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

13           1. Appoint a guardian ad litem to represent the child,  
14 unless the court finds that such representation is  
15 unnecessary;

16           2. Inform the parents or legal custodians of their  
17 right to counsel to represent them at the shelter hearing and  
18 at each subsequent hearing or proceeding, and the right of the  
19 parents to appointed counsel, pursuant to the procedures set  
20 forth in s. 39.013; and

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

23           (d) At the shelter hearing, in order to continue the  
24 child in shelter care:

25           1. The department must establish probable cause that  
26 reasonable grounds for removal exist and that the provision of  
27 appropriate and available services will not eliminate the need  
28 for placement; ~~or-~~

29           2. The court must determine that additional time is  
30 necessary, which may not exceed 72 hours, in which to obtain  
31 and review documents pertaining to the family in order to

1 appropriately determine the risk to the child during which  
2 time the child shall remain in the department's custody, if so  
3 ordered by the court.

4 (e) At the shelter hearing, the department shall  
5 provide the court copies of any available law enforcement,  
6 medical, or other professional reports, and shall also provide  
7 copies of abuse hotline reports pursuant to state and federal  
8 confidentiality requirements.

9 (f) At the shelter hearing, the department shall  
10 inform the court of:

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

14 2. Any adjudication of the parents or caregivers of  
15 delinquency;

16 3. Any past or current injunction for protection from  
17 domestic violence; and

18 4. All of the child's places of residence during the  
19 prior 12 months.

20 (g)(e) At the shelter hearing, each party shall  
21 provide to the court a permanent mailing address. The court  
22 shall advise each party that this address will be used by the  
23 court and the petitioner for notice purposes unless and until  
24 the party notifies the court and the petitioner in writing of  
25 a new mailing address.

26 (h)(f) The order for placement of a child in shelter  
27 care must identify the parties present at the hearing and must  
28 contain written findings:

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

31



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

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

8           4. That based upon the allegations of the petition for  
9 placement in shelter care, there is probable cause to believe  
10 that the child is dependent or that the court needs additional  
11 time, which may not exceed 72 hours, in which to obtain and  
12 review documents pertaining to the family in order to  
13 appropriately determine the risk to the child.

14           5. That the department has made reasonable efforts to  
15 prevent or eliminate the need for removal of the child from  
16 the home. A finding of reasonable effort by the department to  
17 prevent or eliminate the need for removal may be made and the  
18 department is deemed to have made reasonable efforts to  
19 prevent or eliminate the need for removal if:

20           a. The first contact of the department with the family  
21 occurs during an emergency.

22           b. The appraisal of the home situation by the  
23 department indicates that the home situation presents a  
24 substantial and immediate danger to the child's physical,  
25 mental, or emotional health or safety which cannot be  
26 mitigated by the provision of preventive services.

27           c. The child cannot safely remain at home, either  
28 because there are no preventive services that can ensure the  
29 health and safety of the child or because, even with  
30 appropriate and available services being provided, the health  
31 and safety of the child cannot be ensured.

1           6. That the court notified the parents or legal  
2 custodians of the subsequent dependency proceedings, including  
3 scheduled hearings, and of the importance of the active  
4 participation of the parents or legal custodians in those  
5 subsequent proceedings and hearings.

6           7. That the court notified the parents or legal  
7 custodians of their right to counsel to represent them at the  
8 shelter hearing and at each subsequent hearing or proceeding,  
9 and the right of the parents to appointed counsel, pursuant to  
10 the procedures set forth in s. 39.013.

11           Section 13. Section 383.402, Florida Statutes, is  
12 created to read:

13           383.402 Child abuse death review; State Child Abuse  
14 Death Review Committee; local child abuse death review  
15 committees.--

16           (1) It is the intent of the Legislature to establish a  
17 statewide multidisciplinary, multiagency child abuse death  
18 assessment and prevention system that consists of state and  
19 local review committees. The state and local review committees  
20 shall review the facts and circumstances of all deaths of  
21 children from birth through age 18 which occur in this state  
22 as the result of child abuse or neglect and for whom at least  
23 one report of abuse or neglect was accepted by the central  
24 abuse hotline within the Department of Children and Family  
25 Services. The purpose of the review shall be to:

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

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

30           (c) Identify any gaps, deficiencies, or problems in  
31 the delivery of services to children and their families by

1 public and private agencies which may be related to deaths  
2 that are the result of child abuse.

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

7 (2)(a) The State Child Abuse Death Review Committee is  
8 established within the Department of Health and shall consist  
9 of a representative of the Department of Health, appointed by  
10 the Secretary of Health, who shall serve as the state  
11 committee coordinator. The head of each of the following  
12 agencies or organizations shall also appoint a representative  
13 to the state committee:

14 1. The Department of Legal Affairs.

15 2. The Department of Children and Family Services.

16 3. The Department of Law Enforcement.

17 4. The Department of Education.

18 5. The Florida Prosecuting Attorneys Association, Inc.

19 6. The Florida Medical Examiners Commission, whose  
20 representative must be a forensic pathologist.

21 (b) In addition, the Secretary of Health shall appoint  
22 the following members to the state committee, based on  
23 recommendations from the Department of Health and the agencies  
24 listed in paragraph (a), and ensuring that the committee  
25 represents the regional, gender, and ethnic diversity of the  
26 state to the greatest extent possible:

27 1. A board-certified pediatrician.

28 2. A public health nurse.

29 3. A mental health professional who treats children or  
30 adolescents.

31

1           4. An employee of the Department of Children and  
2 Family Services who supervises family services counselors and  
3 who has at least 5 years of experience in child protective  
4 investigations.

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

6           6. A member of a child advocacy organization.

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

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

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

13           10. A representative of the Florida Coalition Against  
14 Domestic Violence.

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

17           (3) The State Child Abuse Death Review Committee  
18 shall:

19           (a) Develop a system for collecting data on deaths  
20 that are the result of child abuse. The system must include a  
21 protocol for the uniform collection of data statewide, which  
22 uses existing data-collection systems to the greatest extent  
23 possible.

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

27           (c) Prepare an annual statistical report on the  
28 incidence and causes of death resulting from child abuse in  
29 the state during the prior calendar year. The state committee  
30 shall submit a copy of the report by September 30 of each year  
31 to the Governor, the President of the Senate, and the Speaker

1 of the House of Representatives, with the first annual report  
2 due on September 30, 2000. The report must include  
3 recommendations for state and local action, including specific  
4 policy, procedural, regulatory, or statutory changes, and any  
5 other recommended preventive action.

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

8 (e) Develop guidelines, standards, and protocols,  
9 including a protocol for data collection, for local child  
10 abuse death review committees, and provide training and  
11 technical assistance to local committees.

12 (f) Develop guidelines for reviewing deaths that are  
13 the result of child abuse, including guidelines to be used by  
14 law enforcement agencies, prosecutors, medical examiners,  
15 health care practitioners, health care facilities, and social  
16 service agencies.

17 (g) Study the adequacy of laws, rules, training, and  
18 services to determine what changes are needed to decrease the  
19 incidence of child abuse deaths and develop strategies and  
20 recruit partners to implement these changes.

21 (h) Provide consultation on individual cases to local  
22 committees upon request.

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

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

28 (k) Recommend, when appropriate, the review of the  
29 death certificate of a child who died as a result of abuse or  
30 neglect.

31

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

8           (5) Members of the state committee shall serve without  
9 compensation but are entitled to reimbursement for per diem  
10 and travel expenses incurred in the performance of their  
11 duties as provided in s. 112.061 and to the extent that funds  
12 are available.

13           (6) At the direction of the Secretary of Health, the  
14 director of each county health department, or the directors of  
15 two or more county health departments by agreement, may  
16 convene and support a county or multicounty child abuse death  
17 review committee in accordance with the protocols established  
18 by the State Child Abuse Death Review Committee. Each local  
19 committee must include a local state attorney, or his or her  
20 designee, and any other members that are determined by  
21 guidelines developed by the State Child Abuse Death Review  
22 Committee. The members of a local committee shall be appointed  
23 to 2-year terms and may be reappointed. The local committee  
24 shall elect a chairperson from among its members. Members  
25 shall serve without compensation but are entitled to  
26 reimbursement for per diem and travel expenses incurred in the  
27 performance of their duties as provided in s. 112.061 and to  
28 the extent that funds are available.

29           (7) Each local child abuse death review committee  
30 shall:  
31

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

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

6           (c) Submit written reports at the direction of the  
7 state committee. The reports must include nonidentifying  
8 information on individual cases and the steps taken by the  
9 local committee and private and public agencies to implement  
10 necessary changes and improve the coordination of services and  
11 reviews.

12           (d) Submit all records requested by the state  
13 committee at the conclusion of its review of a death resulting  
14 from child abuse.

15           (e) Abide by the standards and protocols developed by  
16 the state committee.

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

19           (8) Notwithstanding any other law, the chairperson of  
20 the State Child Abuse Death Review Committee, or the  
21 chairperson of a local committee, shall be provided with  
22 access to any information or records that pertain to a child  
23 whose death is being reviewed by the committee and that are  
24 necessary for the committee to carry out its duties, including  
25 information or records that pertain to the child's family, as  
26 follows:

27           (a) Patient records in the possession of a public or  
28 private provider of medical, dental, or mental health care,  
29 including, but not limited to, a facility licensed under  
30 chapter 393, chapter 394, or chapter 395, or a health care  
31 practitioner as defined in s. 455.501. Providers may charge a

1 fee for copies not to exceed 50 cents per page for paper  
2 records and \$1 per fiche for microfiche records.

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

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

19 (10) The state committee and any local committee may  
20 share any relevant information that pertains to the review of  
21 the death of a child.

22 (11) A member of the state committee or a local  
23 committee may not contact, interview, or obtain information by  
24 request or subpoena directly from a member of a deceased  
25 child's family as part of a committee's review of a child  
26 abuse death, except that if a committee member is also a  
27 public officer or state employee, that member may contact,  
28 interview, or obtain information from a member of the deceased  
29 child's family, if necessary, as part of the committee's  
30 review. A member of the deceased child's family may

31



1 voluntarily provide records or information to the state  
2 committee or a local committee.

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

10 (13) This section does not authorize the members of  
11 the state committee or any local committee to have access to  
12 any grand jury proceedings.

13 (14) A person who has attended a meeting of the state  
14 committee or a local committee or who has otherwise  
15 participated in activities authorized by this section may not  
16 be permitted or required to testify in any civil, criminal, or  
17 administrative proceeding as to any records or information  
18 produced or presented to a committee during meetings or other  
19 activities authorized by this section. However, this  
20 subsection does not prevent any person who testifies before  
21 the committee or who is a member of the committee from  
22 testifying as to matters otherwise within his or her  
23 knowledge. An organization, institution, committee member, or  
24 other person who furnishes information, data, reports, or  
25 records to the state committee or a local committee is not  
26 liable for damages to any person and is not subject to any  
27 other civil or criminal or administrative recourse. This  
28 subsection does not apply to any person who admits to  
29 committing a crime.

30  
31

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

4           (16) To the extent that funds are available, the  
5 Department of Health may hire staff or consultants to assist a  
6 review committee in performing its duties. Funds may also be  
7 used to reimburse reasonable expenses of the staff and  
8 consultants for the state committee and the local committees.

9           (17) For the purpose of carrying out the  
10 responsibilities assigned to the State Child Abuse Death  
11 Review Committee and the local review committees, the  
12 Secretary of Health may substitute an existing entity whose  
13 function and organization include the function and  
14 organization of the committees established by this section.

15           (18) Each district administrator of the Department of  
16 Children and Family Services must appoint a child abuse death  
17 review coordinator for the district. The coordinator must have  
18 knowledge and expertise in the area of child abuse and  
19 neglect. The coordinator's general responsibilities include:

20           (a) Coordinating with the local child abuse death  
21 review committee.

22           (b) Ensuring the appropriate implementation of the  
23 child abuse death review process and all district activities  
24 related to the review of child abuse deaths.

25           (c) Working with the committee to ensure that the  
26 reviews are thorough and that all issues are appropriately  
27 addressed.

28           (d) Maintaining a system of logging child abuse deaths  
29 covered by this procedure and tracking cases during the child  
30 abuse death review process.

31

1           (e) Conducting or arranging for a Florida Abuse  
2 Hotline Information System (FAHIS) record check on all child  
3 abuse deaths covered by this procedure to determine whether  
4 there were any prior reports concerning the child or  
5 concerning any siblings, other children, or adults in the  
6 home.

7           (f) Coordinating child abuse death review activities,  
8 as needed, with individuals in the community and the  
9 Department of Health.

10           (g) Notifying the district administrator, the  
11 Secretary of Children and Family Services, and the Deputy  
12 Secretary of Children's Medical Services Assistant Health  
13 Officer of all child abuse deaths meeting criteria for review  
14 as specified in this section within 1 working day after  
15 learning of the child's death.

16           (h) Ensuring that all critical issues identified by  
17 the local child abuse death review committee are brought to  
18 the attention of the district administrator and the Secretary  
19 of Children and Family Services.

20           (i) Providing technical assistance to the local child  
21 abuse death review committee during the review of any child  
22 abuse death.

23           Section 14. Present subsections (3), (4), (5), and (6)  
24 of section 409.1671, Florida Statutes, 1998 Supplement, are  
25 redesignated as subsections (4), (5), (6), and (7),  
26 respectively, and a new subsection (3) is added to that  
27 section, to read:

28           409.1671 Foster care and related services;  
29 privatization.--

30           (3)(a) In order to help ensure a seamless child  
31 protection system, the department shall ensure that contracts

1 entered into with community-based agencies pursuant to this  
2 section include provisions for a case-transfer process to  
3 determine the date that the community-based agency will  
4 initiate the appropriate services for a child and family. This  
5 case-transfer process must clearly identify the closure of the  
6 protective investigation and the initiation of service  
7 provision. At the point of case transfer, the department must  
8 provide a complete summary of the findings of the  
9 investigation to the community-based agency.

10 (b) The contracts must also ensure that each  
11 community-based agency shall furnish regular status reports of  
12 its cases to the department as specified in the contract. A  
13 provider may not discontinue services without prior written  
14 notification to the department. After discontinuing services  
15 to a child or a child and family, the community-based agency  
16 must provide a written case summary, including its assessment  
17 of the child and family, to the department.

18 (c) The annual contract between the department and  
19 community-based agencies must include provisions that specify  
20 the procedures to be used by the parties to resolve  
21 differences in interpreting the contract or to resolve  
22 disputes as to the adequacy of the parties' compliance with  
23 their respective obligations under the contract.

24 Section 15. Section 777.03, Florida Statutes, as  
25 amended by section 16 of chapter 97-194, Laws of Florida, is  
26 amended to read:

27 777.03 Accessory after the fact.--

28 (1)(a) Any person not standing in the relation of  
29 husband or wife, parent or grandparent, child or grandchild,  
30 brother or sister, by consanguinity or affinity to the  
31 offender, who maintains or assists the principal or accessory

1 before the fact, or gives the offender any other aid, knowing  
2 that the offender had committed a felony or been accessory  
3 thereto before the fact, with intent that the offender avoids  
4 or escapes detection, arrest, trial or punishment, is an  
5 accessory after the fact.

6 (b) Any person, regardless of the relation to the  
7 offender, who maintains or assists the principal or accessory  
8 before the fact, or gives the offender any other aid, knowing  
9 that the offender had committed the offense of child abuse,  
10 neglect of a child, aggravated child abuse, aggravated  
11 manslaughter of a child under 18 years of age, or murder of a  
12 child under 18 years of age, or had been accessory thereto  
13 before the fact, with the intent that the offender avoids or  
14 escapes detection, arrest, trial, or punishment, is an  
15 accessory after the fact unless the court finds that the  
16 person is a victim of domestic violence.

17 (2)(a) If the felony offense committed is a capital  
18 felony, the offense of accessory after the fact is a felony of  
19 the first degree, punishable as provided in s. 775.082, s.  
20 775.083, or s. 775.084.

21 (b) If the felony offense committed is a life felony  
22 or a felony of the first degree, the offense of accessory  
23 after the fact is a felony of the second degree, punishable as  
24 provided in s. 775.082, s. 775.083, or s. 775.084.

25 (c) If the felony offense committed is a felony of the  
26 second degree or a felony of the third degree ranked in level  
27 3, 4, 5, 6, 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,  
28 the offense of accessory after the fact is a felony of the  
29 third degree, punishable as provided in s. 775.082, s.  
30 775.083, or s. 775.084.

31

1 (d) If the felony offense committed is a felony of the  
2 third degree ranked in level 1 or level 2 under s. 921.0022 or  
3 s. 921.0023, the offense of accessory after the fact is a  
4 misdemeanor of the first degree, punishable as provided in s.  
5 775.082, s. 775.083, or s. 775.084.

6 (3) Except as otherwise provided in s. 921.0022, for  
7 purposes of sentencing under chapter 921 and determining  
8 incentive gain-time eligibility under chapter 944, the offense  
9 of accessory after the fact is ranked two levels below the  
10 ranking under s. 921.0022 or s. 921.0023 of the felony offense  
11 committed.

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

14 827.03 Abuse, aggravated abuse, and neglect of a  
15 child; penalties.--

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

17 (a) Commits aggravated battery on a child;

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

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

23

24 A person who commits aggravated child abuse commits a felony  
25 of the first ~~second~~ degree, punishable as provided in s.  
26 775.082, s. 775.083, or s. 775.084.

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

30 921.0022 Criminal Punishment Code; offense severity  
31 ranking chart.--

1 (3) OFFENSE SEVERITY RANKING CHART			
2			
3	Florida	Felony	
4	Statute	Degree	Description
5			
6			
7			(h) LEVEL 8
8	316.193		
9	(3)(c)3.a.	2nd	DUI manslaughter.
10	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
11	777.03(2)(a)	1st	Accessory after the fact, capital
12			felony.
13	782.04(4)	2nd	Killing of human without design
14			when engaged in act or attempt of
15			any felony other than arson,
16			sexual battery, robbery,
17			burglary, kidnapping, aircraft
18			piracy, or unlawfully discharging
19			bomb.
20	782.051(2)	1st	Attempted felony murder while
21			perpetrating or attempting to
22			perpetrate a felony not
23			enumerated in s. 782.04(3).
24	782.071(2)	2nd	Committing vehicular homicide and
25			failing to render aid or give
26			information.
27	782.072(2)	2nd	Committing vessel homicide and
28			failing to render aid or give
29			information.
30			
31			

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1999 Legislature

CS for CS for SB 338, 1st Engrossed

1	790.161(3)	1st	Discharging a destructive device
2			which results in bodily harm or
3			property damage.
4	794.011(5)	2nd	Sexual battery, victim 12 years
5			or over, offender does not use
6			physical force likely to cause
7			serious injury.
8	806.01(1)	1st	Maliciously damage dwelling or
9			structure by fire or explosive,
10			believing person in structure.
11	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
12	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
13			or dangerous weapon.
14	810.02(2)(c)	1st	Burglary of a dwelling or
15			structure causing structural
16			damage or \$1,000 or more property
17			damage.
18	812.13(2)(b)	1st	Robbery with a weapon.
19	812.135(2)	1st	Home-invasion robbery.
20	825.102(2)	2nd	Aggravated abuse of an elderly
21			person or disabled adult.
22	825.103(2)(a)	1st	Exploiting an elderly person or
23			disabled adult and property is
24			valued at \$100,000 or more.
25	<del>827.03(2)</del>	<del>2nd</del>	<del>Aggravated child abuse.</del>
26	837.02(2)	2nd	Perjury in official proceedings
27			relating to prosecution of a
28			capital felony.
29			
30			
31			



1	837.021(2)	2nd	Making contradictory statements
2			in official proceedings relating
3			to prosecution of a capital
4			felony.
5	860.121(2)(c)	1st	Shooting at or throwing any
6			object in path of railroad
7			vehicle resulting in great bodily
8			harm.
9	860.16	1st	Aircraft piracy.
10	893.13(1)(b)	1st	Sell or deliver in excess of 10
11			grams of any substance specified
12			in s. 893.03(1)(a) or (b).
13	893.13(2)(b)	1st	Purchase in excess of 10 grams of
14			any substance specified in s.
15			893.03(1)(a) or (b).
16	893.13(6)(c)	1st	Possess in excess of 10 grams of
17			any substance specified in s.
18			893.03(1)(a) or (b).
19	893.135(1)(a)2.	1st	Trafficking in cannabis, more
20			than 2,000 lbs., less than 10,000
21			lbs.
22	893.135		
23	(1)(b)1.b.	1st	Trafficking in cocaine, more than
24			200 grams, less than 400 grams.
25	893.135		
26	(1)(c)1.b.	1st	Trafficking in illegal drugs,
27			more than 14 grams, less than 28
28			grams.
29			
30			
31			

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1999 Legislature

CS for CS for SB 338, 1st Engrossed

1	893.135		
2	(1)(d)1.b.	1st	Trafficking in phencyclidine,
3			more than 200 grams, less than
4			400 grams.
5	893.135		
6	(1)(e)1.b.	1st	Trafficking in methaqualone, more
7			than 5 kilograms, less than 25
8			kilograms.
9	893.135		
10	(1)(f)1.b.	1st	Trafficking in amphetamine, more
11			than 28 grams, less than 200
12			grams.
13	893.135		
14	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
15			grams or more, less than 28
16			grams.
17	895.03(1)	1st	Use or invest proceeds derived
18			from pattern of racketeering
19			activity.
20	895.03(2)	1st	Acquire or maintain through
21			racketeering activity any
22			interest in or control of any
23			enterprise or real property.
24	895.03(3)	1st	Conduct or participate in any
25			enterprise through pattern of
26			racketeering activity.
27			(i) LEVEL 9
28	316.193		
29	(3)(c)3.b.	1st	DUI manslaughter; failing to
30			render aid or give information.
31			

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1999 Legislature

CS for CS for SB 338, 1st Engrossed

1	782.04(1)	1st	Attempt, conspire, or solicit to
2			commit premeditated murder.
3	782.04(3)	1st,PBL	Accomplice to murder in
4			connection with arson, sexual
5			battery, robbery, burglary, and
6			other specified felonies.
7	782.051(1)	1st	Attempted felony murder while
8			perpetrating or attempting to
9			perpetrate a felony enumerated in
10			s. 782.04(3).
11	782.07(2)	1st	Aggravated manslaughter of an
12			elderly person or disabled adult.
13	<del>782.07(3)</del>	<del>1st</del>	<del>Aggravated manslaughter of a</del>
14			<del>child.</del>
15	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
16			reward or as a shield or hostage.
17	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
18			or facilitate commission of any
19			felony.
20	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
21			interfere with performance of any
22			governmental or political
23			function.
24	787.02(3)(a)	1st	False imprisonment; child under
25			age 13; perpetrator also commits
26			child abuse, sexual battery,
27			lewd, or lascivious act, etc.
28	790.161	1st	Attempted capital destructive
29			device offense.
30	794.011(2)	1st	Attempted sexual battery; victim
31			less than 12 years of age.

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1999 Legislature

CS for CS for SB 338, 1st Engrossed

1	794.011(2)	Life	Sexual battery; offender younger
2			than 18 years and commits sexual
3			battery on a person less than 12
4			years.
5	794.011(4)	1st	Sexual battery; victim 12 years
6			or older, certain circumstances.
7	794.011(8)(b)	1st	Sexual battery; engage in sexual
8			conduct with minor 12 to 18 years
9			by person in familial or
10			custodial authority.
11	812.13(2)(a)	1st,PBL	Robbery with firearm or other
12			deadly weapon.
13	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
14			deadly weapon.
15	<u>827.03(2)</u>	<u>1st</u>	<u>Aggravated child abuse.</u>
16	847.0145(1)	1st	Selling, or otherwise
17			transferring custody or control,
18			of a minor.
19	847.0145(2)	1st	Purchasing, or otherwise
20			obtaining custody or control, of
21			a minor.
22	859.01	1st	Poisoning food, drink, medicine,
23			or water with intent to kill or
24			injure another person.
25	893.135	1st	Attempted capital trafficking
26			offense.
27	893.135(1)(a)3.	1st	Trafficking in cannabis, more
28			than 10,000 lbs.
29			
30			
31			

ENROLLED

1999 Legislature

CS for CS for SB 338, 1st Engrossed

1	893.135		
2	(1)(b)1.c.	1st	Trafficking in cocaine, more than
3			400 grams, less than 150
4			kilograms.
5	893.135		
6	(1)(c)1.c.	1st	Trafficking in illegal drugs,
7			more than 28 grams, less than 30
8			kilograms.
9	893.135		
10	(1)(d)1.c.	1st	Trafficking in phencyclidine,
11			more than 400 grams.
12	893.135		
13	(1)(e)1.c.	1st	Trafficking in methaqualone, more
14			than 25 kilograms.
15	893.135		
16	(1)(f)1.c.	1st	Trafficking in amphetamine, more
17			than 200 grams.
18			(j) LEVEL 10
19	782.04(2)	1st,PBL	Unlawful killing of human; act is
20			homicide, unpremeditated.
21	787.01(1)(a)3.	1st,PBL	Kidnapping; inflict bodily harm
22			upon or terrorize victim.
23	787.01(3)(a)	Life	Kidnapping; child under age 13,
24			perpetrator also commits child
25			abuse, sexual battery, lewd, or
26			lascivious act, etc.
27	<u>782.07(3)</u>	<u>1st</u>	<u>Aggravated manslaughter of a</u>
28			<u>child.</u>
29			
30			
31			

1 794.011(3) Life Sexual battery; victim 12 years  
2 or older, offender uses or  
3 threatens to use deadly weapon or  
4 physical force to cause serious  
5 injury.

6 876.32 1st Treason against the state.

7 Section 18. Paragraph (g) of subsection (2) of section  
8 934.03, Florida Statutes, is amended to read:

9 934.03 Interception and disclosure of wire, oral, or  
10 electronic communications prohibited.--

11 (2)

12 (g) It is lawful under ss. 934.03-934.09 for an  
13 employee of:

14 1. An ambulance service licensed pursuant to s.  
15 401.25, a fire station employing firefighters as defined by s.  
16 633.30, a public utility as defined by ss. 365.01 and 366.02,  
17 a law enforcement agency as defined by s. 934.02(10), or any  
18 other entity with published emergency telephone numbers; ~~or~~  
19 2. An agency operating an emergency telephone number  
20 "911" system established pursuant to s. 365.171; ~~or~~  
21 3. The central abuse hotline operated pursuant to s.  
22 39.201,  
23

24 to intercept and record incoming wire communications; however,  
25 such employee may intercept and record incoming wire  
26 communications on published emergency telephone numbers only.  
27 It is also lawful for such employee to intercept and record  
28 outgoing wire communications to the numbers from which such  
29 incoming wire communications were placed when necessary to  
30 obtain information required to provide the emergency services  
31 being requested.

1           Section 19. Section 39.823, Florida Statutes, 1998  
2 Supplement, is amended to read:

3           39.823 Guardian advocates for drug dependent  
4 newborns.--The Legislature finds that increasing numbers of  
5 drug dependent children are born in this state. Because of  
6 the parents' continued dependence upon drugs, the parents may  
7 temporarily leave their child with a relative or other adult  
8 or may have agreed to voluntary family services under s.  
9 39.301(12)~~s. 39.301(8)~~. The relative or other adult may be  
10 left with a child who is likely to require medical treatment  
11 but for whom they are unable to obtain medical treatment. The  
12 purpose of this section is to provide an expeditious method  
13 for such relatives or other responsible adults to obtain a  
14 court order which allows them to provide consent for medical  
15 treatment and otherwise advocate for the needs of the child  
16 and to provide court review of such authorization.

17           Section 20. The Department of Health, in consultation  
18 with the Department of Children and Family Services and the  
19 Florida Association of Counties, shall develop a plan for  
20 submission to the Legislature describing the resources that  
21 are necessary to provide adequate support for child protection  
22 teams in each county. The plan must specify those resources  
23 that should be provided by the state and those that should be  
24 provided by the county. The Department of Health shall submit  
25 the plan to the President of the Senate and the Speaker of the  
26 House of Representatives by October 1, 1999.

27           Section 21. The Department of Children and Family  
28 Services shall contract with an independent entity for the  
29 purpose of evaluating the central abuse hotline within the  
30 department to determine its effectiveness and efficiency in  
31 performing its statutory responsibilities pursuant to chapter

1 39, Florida Statutes. This evaluation must include, but need  
2 not be limited to, the criteria and the application of  
3 criteria by which calls are accepted or denied. This  
4 evaluation must also address the need to monitor the central  
5 abuse hotline on an ongoing basis and, if recommended, must  
6 propose the monitoring process.

7 Section 22. There is appropriated to the Department of  
8 Children and Family Services 8 full-time-equivalent positions  
9 and \$216,931 from recurring General Revenue Funds, \$457,896  
10 from nonrecurring General Revenue Funds, and \$155,764 from the  
11 Federal Grants Trust Fund to implement sections 4 and 21 of  
12 this act. There is appropriated to the Department of Health 3  
13 full-time-equivalent positions and \$2,413,234 from recurring  
14 General Revenue Funds and \$435,862 from nonrecurring General  
15 Revenue Funds to implement sections 9 and 13 of this act.

16 Section 23. The Office of Program Policy Analysis and  
17 Government Accountability is directed to analyze and report on  
18 all cases for which an administrative review is conducted  
19 under section 39.301(12)(c), Florida Statutes, and the  
20 Department of Children and Family Services does not take the  
21 child into custody or file a petition under chapter 39,  
22 Florida Statutes. The analysis shall include, at a minimum, an  
23 assessment of the characteristics of these children as  
24 compared to children who are taken into custody or for whom a  
25 petition is filed under section 39.301(12)(c), Florida  
26 Statutes, as a result of the administrative review and an  
27 assessment of each child's outcome in terms of whether any  
28 reports of known or suspected abuse, neglect, or abandonment  
29 are received. The analysis of this and any other data  
30 identified and collected by the Office of Program Policy  
31 Analysis and Government Accountability is to be compiled



1 quarterly and submitted to the President of the Senate and the  
2 Speaker of the House of Representatives by January 1, 2000,  
3 and January 1, 2001. The Office of Program Policy Analysis and  
4 Government Accountability and the Department of Children and  
5 Family Services shall work cooperatively to develop a research  
6 and data-collection design necessary to implement the  
7 requirements of this section.

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

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