

By the Committee on Criminal Justice and Senator Laurent

307-1947-00

1 A bill to be entitled
2 An act relating to child welfare; amending s.
3 39.201, F.S.; revising confidentiality of
4 recorded central abuse hotline calls relating
5 to child abuse, neglect, or abandonment;
6 providing clarifying language for
7 community-based care providers of foster care
8 and related services; providing circumstances
9 in which an officer or employee of the judicial
10 branch is not required to report child abuse,
11 abandonment, or neglect; amending s. 39.202,
12 F.S.; providing for the inclusion of the child
13 protection team in the list of those to whom an
14 alleged abuse reporter's name may be released;
15 amending s. 39.205, F.S.; exempting judges from
16 prosecution for failure to report; amending s.
17 39.301, F.S.; clarifying language relating to
18 initiation of protective investigations and
19 criminal investigations; clarifying that the
20 age of parents shall be factored into risk
21 assessments; changing certain time
22 requirements; amending s. 39.303, F.S.;
23 specifying additional supportive services to be
24 provided by child protection teams; requiring
25 certain training for medical personnel
26 participating in a child protection team;
27 revising reports of abuse, abandonment, or
28 neglect that must be referred to the Department
29 of Health for supportive services; revising
30 requirements relating to review of certain
31 cases of abuse, abandonment, or neglect and

1 standards for face-to-face medical evaluations
2 by a child protection team; requiring
3 collaboration between certain state agencies
4 relating to reports of child abuse,
5 abandonment, and neglect; amending s. 39.304,
6 F.S.; providing for disposition of
7 investigative photographs of physical abuse
8 injuries and sexual abuse trauma; amending s.
9 39.402, F.S.; clarifying that the court must be
10 informed of identified case plans at shelter
11 hearings; amending s. 383.402, F.S.; deleting a
12 reference to the Kayla McKean Child Protection
13 Act; revising duties of the local child abuse
14 death review committee and district
15 coordinators; amending s. 409.1671, F.S.;
16 deleting requirement that the case-transfer
17 process for contracts with community-based
18 agencies for provision of foster care and
19 related services identify closure of protective
20 investigations; requiring a report at the
21 conclusion of the investigation; repealing s.
22 1, ch. 99-168, Laws of Florida, which provides
23 a short title naming the Act the Kayla McKean
24 Child Protection Act; providing an effective
25 date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Paragraph (g) of subsection (2) and
30 subsections (7), (8), and (9) of section 39.201, Florida
31 Statutes, are amended to read:

1 39.201 Mandatory reports of child abuse, abandonment,
2 or neglect; mandatory reports of death; central abuse
3 hotline.--

4 (2)

5 (g) The department shall voice-record all incoming or
6 outgoing calls that are received or placed by the central
7 abuse hotline which relate to suspected or known child abuse,
8 neglect, or abandonment. The recording shall become a part of
9 the record of the report, but, notwithstanding s. 39.202,
10 shall be released in full only to law enforcement agencies and
11 state attorneys for the purpose of investigating and
12 prosecuting criminal charges pursuant to s. 39.205, or to
13 employees of the department for the purpose of investigating
14 and seeking administrative penalties pursuant to s. 39.206 ~~is~~
15 ~~subject to the same confidentiality as is provided to the~~
16 ~~identity of the caller under s. 39.202.~~ Nothing in this
17 subsection shall act to prohibit the use of the recordings by
18 hotline staff for quality assurance and training.

19 (7) This section does not require a professional who
20 is hired by or enters into a contract with the department for
21 the purpose of treating or counseling any person, as a result
22 of a report of child abuse, abandonment, or neglect, to again
23 report to the central abuse hotline the abuse, abandonment, or
24 neglect that was the subject of the referral for treatment.
25 This section does not require an officer or employee of the
26 judicial branch to again provide notice of reasonable cause to
27 suspect child abuse, abandonment, or neglect when that child
28 is currently being investigated by the department, there is an
29 existing dependency case, or the matter has previously been
30 reported to the department, provided there is reasonable cause
31 to believe the information is already known to the department.

1 This subsection applies only when the information has been
2 provided to the officer or employee in the course of official
3 duties.

4 (8) Nothing in this chapter or in the contracting with
5 community-based care providers for privatization of foster
6 care and related services as specified in s. 409.1671 shall be
7 construed to remove or reduce the duty and responsibility of
8 any person, including any employee of the community-based care
9 privatization provider, to report a suspected or actual case
10 of child abuse, abandonment, or neglect or the sexual abuse of
11 a child to the department's central abuse hotline.

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

21 Section 2. Subsection (4) of section 39.202, Florida
22 Statutes, is amended to read:

23 39.202 Confidentiality of reports and records in cases
24 of child abuse or neglect.--

25 (4) The name of any person reporting child abuse,
26 abandonment, or neglect may not be released to any person
27 other than employees of the department responsible for child
28 protective services, the central abuse hotline, law
29 enforcement, the child protection team, or the appropriate
30 state attorney, without the written consent of the person
31 reporting. This does not prohibit the subpoenaing of a person

1 reporting child abuse, abandonment, or neglect when deemed
2 necessary by the court, the state attorney, or the department,
3 provided the fact that such person made the report is not
4 disclosed. Any person who reports a case of child abuse or
5 neglect may, at the time he or she makes the report, request
6 that the department notify him or her that a child protective
7 investigation occurred as a result of the report. Any person
8 specifically listed in s. 39.201(1) who makes a report in his
9 or her official capacity may also request a written summary of
10 the outcome of the investigation. The department shall mail
11 such a notice to the reporter within 10 days after completing
12 the child protective investigation.

13 Section 3. Subsection (1) of section 39.205, Florida
14 Statutes, is amended to read:

15 39.205 Penalties relating to reporting of child abuse,
16 abandonment, or neglect.--

17 (1) A person who is required to report known or
18 suspected child abuse, abandonment, or neglect and who
19 knowingly and willfully fails to do so, or who knowingly and
20 willfully prevents another person from doing so, is guilty of
21 a misdemeanor of the first degree, punishable as provided in
22 s. 775.082 or s. 775.083. A judge, subject to discipline under
23 Article V, Section 12 of the State Constitution, shall not be
24 subject to criminal prosecution when the information was
25 received in the course of official duties.

26 Section 4. Subsection (2), paragraph (b) of subsection
27 (8), paragraph (c) of subsection (12), and subsections (14),
28 (17), and (18) of section 39.301, Florida Statutes, are
29 amended to read:

30 39.301 Initiation of protective investigations.--

31

1 (2)(a) The department ~~Upon notification by the~~
2 ~~department's central abuse hotline under subsection (1), the~~
3 ~~designated child protective investigator shall immediately~~
4 ~~forward allegations of criminal conduct to the municipality or~~
5 ~~county~~ notify the appropriate law enforcement agency ~~of the~~
6 ~~county~~ in which the alleged conduct has ~~known or suspected~~
7 ~~child abuse, abandonment, or neglect is believed to have~~
8 ~~occurred.~~

9 (b) As used in this subsection, the term "criminal
10 conduct" means:

11 1. A child is known or suspected to be the victim of
12 child abuse, as defined in s. 827.03, or of neglect of a
13 child, as defined in s. 827.03.

14 2. A child is known or suspected to have died as a
15 result of abuse or neglect.

16 3. A child is known or suspected to be the victim of
17 aggravated child abuse, as defined in s. 827.03.

18 4. A child is known or suspected to be the victim of
19 sexual battery, as defined in s. 827.071, or of sexual abuse,
20 as defined in s. 39.01.

21 5. A child is known or suspected to be the victim of
22 institutional child abuse or neglect, as defined in s. 39.01,
23 and as provided for in s. 39.302(1).

24
25 Upon receiving a written report of an allegation of criminal
26 conduct from the department ~~receipt of a report,~~ the law
27 enforcement agency shall ~~must~~ review the information in the
28 written report to ~~and~~ determine whether a criminal
29 investigation ~~of the case is warranted.~~ and, If the law
30 enforcement agency accepts the case for ~~so,~~ shall conduct the
31 criminal investigation that shall be coordinated, it shall

1 coordinate its investigative activities with the department
2 whenever ~~feasible possible, with the child protective~~
3 investigation of the department or its agent. ~~If the law~~
4 enforcement agency does not accept the case for criminal
5 investigation, the agency shall notify the department in
6 writing.

7 (c) The local law enforcement agreement required in s.
8 39.306 shall describe the specific local protocols for
9 implementing this section.

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

22 (b) If it is determined that the child is in need of
23 the protection and supervision of the court, the department
24 shall file a petition for dependency. A petition for
25 dependency shall be filed in all cases classified by the
26 department as high-risk. Factors that the department may
27 consider in determining whether a case is high-risk include,
28 but are not limited to, the young age of the ~~cases, including,~~
29 but not limited to, cases involving parents or legal
30 custodians ~~of a young age,~~ the use of illegal drugs, or
31 domestic violence.

1 (12)

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

25 (14) No later than 60 ~~30~~ days after receiving the
26 initial report, the local office of the department shall
27 complete its investigation.

28 (17) When a law enforcement agency conducts a criminal
29 investigation into allegations of child abuse, neglect, or
30 abandonment, photographs documenting the abuse or neglect will
31 be taken when appropriate ~~is participating in an~~

1 ~~investigation, the agency shall take photographs of the~~
2 ~~child's living environment. Such photographs shall become part~~
3 ~~of the investigative file.~~

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

10 Section 5. Section 39.303, Florida Statutes, is
11 amended to read:

12 39.303 Child protection teams; services; eligible
13 cases.--The Department of Health shall develop, maintain, and
14 coordinate the services of one or more multidisciplinary child
15 protection teams in each of the service districts of the
16 Department of Children and Family Services. Such teams may be
17 composed of appropriate representatives of school districts
18 and appropriate health, mental health, social service, legal
19 service, and law enforcement agencies. The Legislature finds
20 that optimal coordination of child protection teams and sexual
21 abuse treatment programs requires collaboration between the
22 Department of Health and the Department of Children and Family
23 Services. The two departments shall maintain an interagency
24 agreement that establishes protocols for oversight and
25 operations of child protection teams and sexual abuse
26 treatment programs. The Secretary of Health and the Deputy
27 Secretary for ~~director of~~ Children's Medical Services, in
28 consultation with the Secretary of Children and Family
29 Services, shall maintain the responsibility for the screening,
30 employment, and, if necessary, the termination of child
31 protection team medical directors, at headquarters and in the

1 15 districts. Child protection team medical directors shall be
2 responsible for oversight of the teams in the districts.

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

18 (a) Medical diagnosis and evaluation services,
19 including provision or interpretation of X rays and laboratory
20 tests, and related services, as needed, and documentation of
21 findings relative thereto.

22 (b) Telephone consultation services in emergencies and
23 in other situations.

24 (c) Medical evaluation related to abuse, abandonment,
25 or neglect, as defined by policy or rule of the Department of
26 Health.

27 (d) Such psychological and psychiatric diagnosis and
28 evaluation services for the child or the child's parent or
29 parents, legal custodian or custodians, or other caregivers,
30 or any other individual involved in a child abuse,
31

1 abandonment, or neglect case, as the team may determine to be
2 needed.

3 (e) Expert medical, psychological, and related
4 professional testimony in court cases.

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

17 (g) Case service coordination and assistance,
18 including the location of services available from other public
19 and private agencies in the community.

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

26 (i) Educational and community awareness campaigns on
27 child abuse, abandonment, and neglect in an effort to enable
28 citizens more successfully to prevent, identify, and treat
29 child abuse, abandonment, and neglect in the community.

30 (j) Child protection team assessments that include, as
31 appropriate, medical evaluations, medical consultations,

1 family psychosocial interviews, specialized clinical
2 interviews, or forensic interviews.

3
4 All medical personnel participating on a child protection team
5 must successfully complete the required child protection team
6 training curriculum as set forth in protocols determined by
7 the Deputy Secretary for Children's Medical Services and the
8 Statewide Medical Director for Child Protection.

9 (2) The child abuse, abandonment, and neglect reports
10 that must be referred by the Department of Children and Family
11 Services to child protection teams of the Department of Health
12 for an assessment ~~medical evaluation~~ and other appropriate
13 available support services as set forth in subsection (1) must
14 include cases involving:

15 (a) Injuries to the head,bruises to the neck or head,
16 burns, or fractures in a child of any age.

17 (b) Bruises anywhere on a child 5 years of age or
18 under.

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

22 (d)~~(c)~~ Venereal disease, or Any other sexually
23 transmitted disease,in a prepubescent child.

24 (e)~~(d)~~ Reported malnutrition of a child and failure of
25 a child to thrive.

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

28 (g)~~(f)~~ Any family in which one or more children have
29 been pronounced dead on arrival at a hospital or other health
30 care facility, or have been injured and later died, as a
31

1 result of suspected abuse, abandonment, or neglect, when any
2 sibling or other child remains in the home.

3 (h)~~(g)~~ Symptoms of serious emotional problems in a
4 child when emotional or other abuse, abandonment, or neglect
5 is suspected.

6 ~~(h) Injuries to a child's head.~~

7 (3) All abuse and neglect cases transmitted for
8 investigation to a district by the hotline must be
9 simultaneously transmitted to the Department of Health child
10 protection team for review. For the purpose of determining
11 whether face-to-face medical evaluation by a child protection
12 team is necessary, all cases transmitted to the child
13 protection team which meet the criteria in subsection (2) must
14 be timely reviewed by: ~~a board-certified pediatrician or~~
15 ~~registered nurse practitioner under the supervision of such~~
16 ~~pediatrician for the purpose of determining whether a~~
17 ~~face-to-face medical evaluation by a child protection team is~~
18 ~~necessary.~~

19 (a) A physician licensed under chapter 458 or chapter
20 459 who holds board certification in pediatrics and is a
21 member of a child protection team;

22 (b) A physician licensed under chapter 458 or chapter
23 459 who holds board certification in a specialty other than
24 pediatrics, who may complete the review only when working
25 under the direction of a physician licensed under chapter 458
26 or chapter 459 who holds board certification in pediatrics and
27 is a member of a child protection team;

28 (c) An advanced registered nurse practitioner licensed
29 under chapter 464 who has a speciality in pediatrics or family
30 medicine and is a member of a child protection team;

31

1 (d) A physician assistant licensed under chapter 458
2 or chapter 459, who may complete the review only when working
3 under the supervision of a physician licensed under chapter
4 458 or chapter 459 who holds board certification in pediatrics
5 and is a member of a child protection team; or

6 (e) A registered nurse licensed under chapter 464, who
7 may complete the review only when working under the direct
8 supervision of a physician licensed under chapter 458 or
9 chapter 459 who holds certification in pediatrics and is a
10 member of a child protection team.

11 (4) A ~~Such~~ face-to-face medical evaluation by a child
12 protection team is not necessary ~~when: only if it is~~
13 determined that

14 (a) The child was examined ~~by a physician~~ for the
15 alleged abuse or neglect ~~by a physician who is not a member of~~
16 the child protection team, and a consultation between the
17 child protection team board-certified pediatrician, advanced
18 registered ~~or~~ nurse practitioner, physician assistant working
19 under the supervision of a child protection team
20 board-certified pediatrician, or registered nurse working
21 under the direct supervision of a child protection team
22 board-certified pediatrician, and the examining physician
23 concludes that a further medical evaluation is unnecessary;

24 (b) The child protective investigator, with
25 supervisory approval, has determined, after conducting a child
26 safety assessment, that there are no indications of injuries
27 as described in paragraphs (2)(a)-(h) as reported; or

28 (c) The child protection team board-certified
29 pediatrician as authorized in subsection (3) determines that a
30 medical evaluation is not required.

31

1 Notwithstanding paragraphs (a), (b), and (c), a child
2 protection team pediatrician, as authorized in subsection (3),
3 may determine that a face-to-face medical evaluation is
4 necessary.

5 (5)(4) In all instances in which a child protection
6 team is providing certain services to abused, abandoned, or
7 neglected children, other offices and units of the Department
8 of Health, and offices and units of the Department of Children
9 and Family Services, shall avoid duplicating the provision of
10 those services.

11 (6) The Department of Health child protection team
12 quality assurance program and the Department of Children and
13 Family Services' Family Safety Program Office quality
14 assurance program shall collaborate to ensure referrals and
15 responses to child abuse, abandonment, and neglect reports are
16 appropriate. Each quality assurance program shall include a
17 review of records in which there are no findings of abuse,
18 abandonment, or neglect and the findings of these reviews
19 shall be included in each department's quality assurance
20 reports.

21 Section 6. Subsection (1) of section 39.304, Florida
22 Statutes, is amended to read:

23 39.304 Photographs, medical examinations, X rays, and
24 medical treatment of abused, abandoned, or neglected child.--

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

1 physical abuse injuries, or duplicates thereof, shall be
2 provided to the department for inclusion in the investigative
3 file and shall become part of that file. Photographs of sexual
4 abuse trauma shall be made part of the child protection team
5 medical record.

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

23 Section 7. Paragraph (f) of subsection (8) of section
24 39.402, Florida Statutes, is amended to read:

25 39.402 Placement in a shelter.--

26 (8)

27 (f) At the shelter hearing, the department shall
28 inform the court of:

29 1. Any identified current or previous case plans
30 negotiated in any district with the parents or caregivers
31 under this chapter and problems associated with compliance;

1 2. Any adjudication of the parents or caregivers of
2 delinquency;

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

5 4. All of the child's places of residence during the
6 prior 12 months.

7 Section 8. Paragraph (i) of subsection (3), subsection
8 (7), and paragraph (g) of subsection (18) of section 383.402,
9 Florida Statutes, are amended to read:

10 383.402 Child abuse death review; State Child Abuse
11 Death Review Committee; local child abuse death review
12 committees.--

13 (3) The State Child Abuse Death Review Committee
14 shall:

15 (i) Educate the public regarding the provisions of
16 chapter 99-168, Laws of Florida ~~Kayla McKean Child Protection~~
17 ~~Act~~, the incidence and causes of child abuse death, and ways
18 by which such deaths may be prevented.

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

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

23 (a)~~(b)~~ Assist the state committee in collecting data
24 on deaths that are the result of child abuse, in accordance
25 with the protocol established by the state committee.

26 (b)~~(c)~~ Submit written reports at the direction of the
27 state committee. The reports must include nonidentifying
28 information on individual cases and the steps taken by the
29 local committee and private and public agencies to implement
30 necessary changes and improve the coordination of services and
31 reviews.

1 ~~(c)(d)~~ Submit all records requested by the state
2 committee at the conclusion of its review of a death resulting
3 from child abuse.

4 ~~(d)(e)~~ Abide by the standards and protocols developed
5 by the state committee.

6 ~~(e)(f)~~ On a case-by-case basis, request that the state
7 committee review the data of a particular case.

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

13 (g) Notifying the district administrator, the
14 Secretary of Children and Family Services, ~~and~~ the Deputy
15 Secretary for of Children's Medical Services, and the
16 Department of Health Child Abuse Death Review Coordinator
17 ~~Assistant Health Officer~~ of all child abuse deaths meeting
18 criteria for review as specified in this section within 1
19 working day after verifying the child's death was due to
20 abuse, neglect, or abandonment ~~learning of the child's death.~~

21 Section 9. Subsection (3) of section 409.1671, Florida
22 Statutes, is amended to read:

23 409.1671 Foster care and related services;
24 privatization.--

25 (3)(a) In order to help ensure a seamless child
26 protection system, the department shall ensure that contracts
27 entered into with community-based agencies pursuant to this
28 section include provisions for a case-transfer process to
29 determine the date that the community-based agency will
30 initiate the appropriate services for a child and family. ~~This~~
31 ~~case-transfer process must clearly identify the closure of the~~

1 ~~protective investigation and the initiation of service~~
2 ~~provision.~~At the point of case transfer, as well as at the
3 conclusion of an investigation,the department must provide a
4 complete summary of the findings of the investigation to the
5 community-based agency.

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

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

20 Section 10. Section 1 of chapter 99-168, Laws of
21 Florida, is repealed.

22 Section 11. This act shall take effect upon becoming a
23 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1910

- 4 - The CS clarifies that voice recordings from the abuse
5 hotline may be released to law enforcement, the state
6 attorney, or department employees for limited purposes.
- 7 - The CS exempts judges and employees of the judicial
8 system from reporting suspected abuse, neglect or
9 abandonment, under certain circumstances.
- 10 - The CS changes a reference from "privatization" to
11 "community-based care."
- 12 - The CS makes a technical change of the word "reports" to
13 the word "calls."
- 14 - The CS provides that child protection teams may receive
15 the names of persons reporting abuse, neglect or
16 abandonment.
- 17 - The CS provides that the young age of the parent(s)
18 involved, or in cases where drug use or domestic
19 violence are alleged, the department may consider these
20 factors in determining whether to classify a case as
21 high-risk.
- 22 - The CS clarifies certain administrative review
23 requirements.
- 24 - The CS extends the time for the department to close out
25 its protective investigation to sixty days from thirty
26 days.
- 27 - The CS requires the state attorney to decide whether
28 prosecution of a case is justified within 15 days after
29 the case is reported to the state attorney.
- 30 - The CS corrects terminology by changing "director of" to
31 "Deputy Secretary for" Children's Medical Services.
- 32 - The CS more fully defines the scope of the Child
33 Protection team's assessment of a child, specifies what
34 cases must be referred to the CPT, and requires all
35 medical personnel on the team to complete CPT training.
- 36 - The CS revises the the list of persons qualified to
37 review a child's case to determine if the child should
38 receive a face-to-face medical evaluation, and broadens
39 the circumstances under which such an evaluation is not
40 required. Despite findings that a medical evaluation is
41 not needed, certain Child Protection team members can
42 determine the need exists and order the evaluation
43 performed.
- 44 - The CS requires reviews of records of cases where no
45 abuse was found to confirm the findings.
- 46 - The CS excludes photographs of sexual abuse trauma from

- 1 the department's records, although they may be
2 maintained by the law enforcement agency investigating
the incident.
- 3 - The CS requires the department to notify the court at a
4 shelter hearing of any identified current or previous
case plans involving the child.
- 5 - The CS deletes references to the Kayla McKean Child
6 Protection Act in statute and the Laws of Florida.
- 7 - The CS deletes an obsolete reference to the Office of
8 Vital Statistics.
- 9 - The CS clarifies to whom child abuse deaths are to be
reported and the time within which the report must be
made.
- 10 - The CS requires the department to provide a summary of
11 its investigative findings at the point of transfer of a
case to a community-based agency, as well as at the
12 conclusion of the investigation.
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