

1 A bill to be entitled
2 An act relating to child welfare; amending s.
3 20.19, F.S.; modifying the certification
4 program for family safety and preservation
5 employees and agents; amending s. 39.201, F.S.;
6 providing for the release of abuse hotlines
7 recordings to specified persons and entities;
8 providing circumstances in which an officer or
9 employee of the judicial branch is not required
10 to report child abuse, abandonment, or neglect;
11 revising procedures; amending s. 39.202, F.S.;
12 specifying persons to whom the names of persons
13 reporting child abuse, abandonment, or neglect
14 may be released; amending s. 39.205, F.S.;
15 exempting judges from prosecution for failure
16 to report; amending s. 39.301, F.S.; clarifying
17 provisions relating to initiation of protective
18 investigations and criminal investigations;
19 clarifying that the age of parents shall be
20 factored into risk assessments; changing
21 certain time requirements; amending s. 39.303,
22 F.S.; revising provisions governing the
23 composition, qualifications, training, and
24 duties of child protection teams; prescribing
25 circumstances under which face-to-face medical
26 evaluations are necessary and procedures for
27 determining whether they are necessary;
28 providing for collaboration by agency quality
29 assurance programs; amending s. 39.304, F.S.;
30 revising provisions governing the use of
31 photographs taken by child protection team;

1 amending s. 383.402, F.S.; deleting reference
2 to the Kayla McKean Child Protection Act;
3 amending s. 383.402, F.S.; revising duties of
4 local child abuse death review committees and
5 of district child abuse death review
6 coordinators; amending s. 409.145, F.S.;
7 authorizing the Department of Children and
8 Family Services to provide additional
9 assistance for certain individuals leaving
10 foster care; amending s. 409.1671, F.S.;
11 deleting requirement that the case-transfer
12 process for contracts with community-based
13 agencies for provision of foster care and
14 related services identify closure of protective
15 investigations; prescribing times when
16 summaries of investigations must be provided to
17 the community-based agency; amending s.
18 409.175, F.S.; requiring a plan for
19 streamlining foster parent training; requiring
20 that certain information be provided to
21 licensed foster homes; creating s. 409.1753,
22 F.S.; specifying duties of the Department of
23 Children and Family Services or its agents
24 regarding foster care; providing for dependency
25 court pilot programs; requiring a report;
26 prohibiting position-lapse adjustments for
27 certain positions; establishing a work group
28 within the Department of Children and Family
29 Services; providing duties; requiring reports;
30 amending s. 39.402; clarifying that the court
31 must be informed of identified case plans at

1 shelter hearings; repealing s. 1, ch. 99-168,
2 Laws of Florida, which provides the short title
3 for the Kayla McKean Child Protection Act;
4 providing an effective date.

5

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

7

8 Section 1. Subsections (2), (7), (8), and (9) of
9 section 39.201, Florida Statutes, are amended to read:

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

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

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

7 (c) Reporters in occupation categories designated in
8 subsection (1) are required to provide their names to the
9 hotline staff. The names of reporters shall be entered into
10 the record of the report, but shall be held confidential as
11 provided in s. 39.202.

12 (d) Reports involving known or suspected institutional
13 child abuse or neglect shall be made and received in the same
14 manner as all other reports made pursuant to this section.

15 (e) Reports involving a known or suspected juvenile
16 sexual offender shall be made and received by the department.

17 1. The department shall determine the age of the
18 alleged juvenile sexual offender if known.

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

27 3. When the alleged juvenile sexual offender is 13
28 years of age or older, the department shall immediately
29 electronically transfer the call to the appropriate county
30 sheriff's office by the central abuse hotline, and send a
31 written report to the appropriate county sheriff's office

1 within 48 hours after the initial report to the central abuse
2 hotline.

3 (f) Hotline counselors shall receive periodic training
4 in encouraging reporters to provide their names when reporting
5 abuse, abandonment, or neglect. Callers shall be advised of
6 the confidentiality provisions of s. 39.202. The department
7 shall secure and install electronic equipment that
8 automatically provides to the hotline the number from which
9 the call is placed. This number shall be entered into the
10 report of abuse, abandonment, or neglect and become a part of
11 the record of the report, but shall enjoy the same
12 confidentiality as provided to the identity of the caller
13 pursuant to s. 39.202.

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

28 (7) This section does not require a professional who
29 is hired by or enters into a contract with the department for
30 the purpose of treating or counseling any person, as a result
31 of a report of child abuse, abandonment, or neglect, to again

1 report to the central abuse hotline the abuse, abandonment, or
2 neglect that was the subject of the referral for treatment.
3 This section does not require an officer or employee of the
4 judicial branch to again provide notice of reasonable cause to
5 suspect child abuse, abandonment, or neglect when that child
6 is currently being investigated by the department, when there
7 is an existing dependency case, or when the matter has
8 previously been reported to the department, provided that
9 there is reasonable cause to believe that the information is
10 already known to the department. This subsection applies only
11 when the information has been provided to the officer or
12 employee in the course of his or her official duties.

13 (8) Nothing in this chapter or in the contracting with
14 community-based care providers for privatization of foster
15 care and related services as specified in s. 409.1671 shall be
16 construed to remove or reduce the duty and responsibility of
17 any person, including any employee of the community-based care
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 calls ~~reports~~ to the hotline
23 involving three or more unaccepted reports on a single child,
24 where jurisdiction applies, in order to detect such things as
25 harassment and situations that warrant an investigation
26 because of the frequency or variety of the source of the
27 reports. The assistant secretary may refer a case for
28 investigation when it is determined, as a result of this
29 review, that an investigation may be warranted.

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

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

22 Section 3. Subsection (1) of section 39.205, Florida
23 Statutes, 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 degree, punishable as provided in
31 s. 775.082 or s. 775.083. A judge, subject to discipline

1 pursuant to s. 12 of Art. V of the State Constitution, shall
2 not be subject to criminal prosecution when the information
3 was received in the course of official duties.

4 Section 4. Subsection (2), paragraph (b) of subsection
5 (8), and subsections (12), (14), (17), and (18) of section
6 39.301, Florida Statutes, are amended to read:

7 39.301 Initiation of protective investigations.--

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

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

18 1. A child is known or suspected to be the victim of
19 child abuse, as defined in s. 827.03, or of neglect of a
20 child, as defined in s. 827.03.

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

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

25 4. A child is known or suspected to be the victim of
26 sexual battery, as defined in s. 827.071, or of sexual abuse,
27 as defined in s. 39.01.

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

31

1 Upon receiving a written report of an allegation of criminal
2 conduct from the department ~~receipt of a report~~, the law
3 enforcement agency shall ~~must~~ review the information in the
4 written report to ~~and~~ determine whether a criminal
5 investigation ~~of the case~~ is warranted. ~~and~~, If the law
6 enforcement agency accepts the case for ~~so~~, ~~shall conduct the~~
7 ~~criminal investigation that shall be coordinated~~, it shall
8 coordinate its investigative activities with the department
9 whenever feasible ~~possible~~, ~~with the child protective~~
10 ~~investigation of the department or its agent~~. If the law
11 enforcement agency does not accept the case for criminal
12 investigation, the agency shall notify the department in
13 writing.

14 (c) The local law enforcement agreement required in s.
15 39.306 must describe the specific local protocols for
16 implementing this section.

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

29 (b) If it is determined that the child is in need of
30 the protection and supervision of the court, the department
31 shall file a petition for dependency. A petition for

1 dependency shall be filed in all cases classified by the
2 department as high-risk. Factors that the department may
3 consider in determining whether a case is high-risk include,
4 but are not limited to, the young age of the cases, including,
5 ~~but not limited to, cases involving~~ parents or legal
6 custodians ~~of a young age,~~ the use of illegal drugs, or
7 domestic violence.

8 (12)

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

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

4 (17) When a law enforcement agency conducts a criminal
5 investigation into allegations of child abuse, neglect, or
6 abandonment, photographs documenting the abuse or neglect will
7 be taken when appropriate.~~is participating in an~~
8 ~~investigation, the agency shall take photographs of the~~
9 ~~child's living environment. Such photographs shall become part~~
10 ~~of the investigative file.~~

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

17 Section 5. Section 39.303, Florida Statutes, is
18 amended to read:

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

1 operations of child protection teams and sexual abuse
2 treatment programs. The Secretary of Health and the Deputy
3 Secretary for ~~director of~~ Children's Medical Services, in
4 consultation with the Secretary of Children and Family
5 Services, shall maintain the responsibility for the screening,
6 employment, and, if necessary, the termination of child
7 protection team medical directors, at headquarters and in the
8 15 districts. Child protection team medical directors shall be
9 responsible for oversight of the teams in the districts.

10 (1) The Department of Health shall utilize and convene
11 the teams to supplement the assessment and protective
12 supervision activities of the family safety and preservation
13 program of the Department of Children and Family Services.

14 Nothing in this section shall be construed to remove or reduce
15 the duty and responsibility of any person to report pursuant
16 to this chapter all suspected or actual cases of child abuse,
17 abandonment, or neglect or sexual abuse of a child. The role
18 of the teams shall be to support activities of the program and
19 to provide services deemed by the teams to be necessary and
20 appropriate to abused, abandoned, and neglected children upon
21 referral. The specialized diagnostic assessment, evaluation,
22 coordination, consultation, and other supportive services that
23 a child protection team shall be capable of providing include,
24 but are not limited to, the following:

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

29 (b) Telephone consultation services in emergencies and
30 in other situations.

31

1 (c) Medical evaluation related to abuse, abandonment,
2 or neglect, as defined by policy or rule of the Department of
3 Health.

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

10 (e) Expert medical, psychological, and related
11 professional testimony in court cases.

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

24 (g) Case service coordination and assistance,
25 including the location of services available from other public
26 and private agencies in the community.

27 (h) Such training services for program and other
28 employees of the Department of Children and Family Services,
29 employees of the Department of Health, and other medical
30 professionals as is deemed appropriate to enable them to
31

1 develop and maintain their professional skills and abilities
2 in handling child abuse, abandonment, and neglect cases.

3 (i) Educational and community awareness campaigns on
4 child abuse, abandonment, and neglect in an effort to enable
5 citizens more successfully to prevent, identify, and treat
6 child abuse, abandonment, and neglect in the community.

7 (j) Child protection team assessments that include, as
8 appropriate, a medical evaluation, medical consultation,
9 family psychosocial interview, specialized clinical interview,
10 or forensic interview.

11
12 All medical personnel participating on a child protection team
13 must successfully complete the required child protection team
14 training curriculum as set forth in protocols determined by
15 the Deputy Secretary for Children's Medical Services and the
16 Statewide Medical Director for Child Protection Teams.

17 (2) The child abuse, abandonment, and neglect reports
18 that must be referred by the Department of Children and Family
19 Services to child protection teams of the Department of Health
20 for an assessment ~~medical evaluation~~ and other appropriate
21 available support services as set forth in subsection (1) must
22 include cases involving:

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

25 (b) Bruises anywhere on a child 5 years of age or
26 under.

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

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

1 ~~(e)(d)~~ Reported malnutrition of a child and failure of
2 a child to thrive.

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

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

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

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

14 (3) All abuse and neglect cases transmitted for
15 investigation to a district by the hotline must be
16 simultaneously transmitted to the Department of Health child
17 protection team for review. For the purpose of determining
18 whether face-to-face medical evaluation of a child by a child
19 protection team is necessary, all cases transmitted to the
20 child protection team which meet the criteria in subsection
21 (2) must be timely reviewed by:

22 (a) A physician licensed under chapter 458 or chapter
23 459 who holds board certification in pediatrics and is a
24 member of a child protection team;

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

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1 (c) An advanced registered nurse practitioner licensed
2 under chapter 464 who has a specialty in pediatrics and is a
3 member of the child protection team;

4 (d) A physician assistant licensed under chapter 458
5 or chapter 459, who may complete the review only when working
6 under the supervision of a physician licensed under chapter
7 458 or chapter 459 who holds board certification in pediatrics
8 and is a member of a child protection team; or

9 (e) A registered nurse licensed under chapter 464, who
10 may complete the review only when working under the direct
11 supervision of a physician licensed under chapter 458 or
12 chapter 459 who holds board certification in pediatrics and is
13 a member of a child protection team.~~a board-certified~~
14 ~~pediatrician or registered nurse practitioner under the~~
15 ~~supervision of such pediatrician for the purpose of~~
16 ~~determining whether a face-to-face medical evaluation by a~~
17 ~~child protection team is necessary.~~

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

21 (a) The child was examined by a
22 non-child-protection-team physician for the alleged abuse or
23 neglect, and a consultation between the examining physician
24 and the child protection team board-certified pediatrician,
25 advanced registered or nurse practitioner, physician assistant
26 working under the supervision of a child protection team
27 board-certified pediatrician, or a registered nurse working
28 under the direct supervision of a child protection team
29 board-certified pediatrician and the examining physician
30 concludes that a further medical evaluation is unnecessary;
31 or-

1 (b) The child protective investigator, with
2 supervisory approval, has determined, after conducting a child
3 safety assessment, that there are not indications of injuries
4 as described in paragraphs (2)(a)-(h) as reported; or

5 (c) The child protection team board-certified
6 pediatrician, as authorized in subsection (3), determines that
7 a medical evaluation is not required. Notwithstanding
8 paragraphs (a) and (b), a child protection team pediatrician
9 or advanced registered nurse practitioner as authorized in
10 subsection (3) may determine that a face-to-face medical
11 evaluation is necessary.

12 ~~(5)(4)~~ In all instances in which a child protection
13 team is providing certain services to abused, abandoned, or
14 neglected children, other offices and units of the Department
15 of Health, and offices and units of the Department of Children
16 and Family Services, shall avoid duplicating the provision of
17 those services.

18 (6) The child protection team quality assurance
19 program of the Department of Health and the quality assurance
20 program of the Family Safety Program Office of the Department
21 of Children and Family Services shall collaborate to ensure
22 that referrals and responses to child abuse and neglect
23 reports are appropriate. Each quality assurance program shall
24 include a review of records in which there are no findings of
25 abuse or neglect, and the findings of these reviews shall be
26 included in each department's quality assurance reports.

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

29 39.304 Photographs, medical examinations, X rays, and
30 medical treatment of abused, abandoned, or neglected child.--

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1 (1)(a) Any person required to investigate cases of
2 suspected child abuse, abandonment, or neglect may take or
3 cause to be taken photographs of the areas of trauma visible
4 on a child who is the subject of a report. Any child
5 protection team that examines a child who is the subject of a
6 report must take, or cause to be taken, photographs of any
7 areas of trauma visible on the child. ~~Such~~ Photographs of
8 physical abuse injuries, or duplicates thereof, shall be
9 provided to the department for inclusion in the investigative
10 file and shall become part of that file. Photographs of sexual
11 abuse trauma which are taken must be made part of the child
12 protection team medical record only.

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

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

4 383.402 Child abuse death review; State Child Abuse
5 Death Review Committee; local child abuse death review
6 committees.--

7 (3) The State Child Abuse Death Review Committee
8 shall:

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

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

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

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

20 (b)~~(c)~~ Submit written reports at the direction of the
21 state committee. The reports must include nonidentifying
22 information on individual cases and the steps taken by the
23 local committee and private and public agencies to implement
24 necessary changes and improve the coordination of services and
25 reviews.

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

29 (d)~~(e)~~ Abide by the standards and protocols developed
30 by the state committee.

31

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

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

8 (a) Coordinating with the local child abuse death
9 review committee.

10 (b) Ensuring the appropriate implementation of the
11 child abuse death review process and all district activities
12 related to the review of child abuse deaths.

13 (c) Working with the committee to ensure that the
14 reviews are thorough and that all issues are appropriately
15 addressed.

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

19 (e) Conducting or arranging for a Florida Abuse
20 Hotline Information System (FAHIS) record check on all child
21 abuse deaths covered by this procedure to determine whether
22 there were any prior reports concerning the child or
23 concerning any siblings, other children, or adults in the
24 home.

25 (f) Coordinating child abuse death review activities,
26 as needed, with individuals in the community and the
27 Department of Health.

28 (g) Notifying the district administrator, the
29 Secretary of Children and Family Services, ~~and~~ the Deputy
30 Secretary for ~~of~~ Children's Medical Services, and the
31 Department of Health Child Abuse Death Review Coordinator

1 ~~Assistant Health Officer~~ of all child abuse deaths meeting
2 criteria for review as specified in this section within 1
3 working day after verifying the child's death was due to
4 abuse, neglect, or abandonment ~~learning of the child's death.~~

5 (h) Ensuring that all critical issues identified by
6 the local child abuse death review committee are brought to
7 the attention of the district administrator and the Secretary
8 of Children and Family Services.

9 (i) Providing technical assistance to the local child
10 abuse death review committee during the review of any child
11 abuse death.

12 Section 8. Paragraph (b) of subsection (3) of section
13 409.145, Florida Statutes, is amended to read:

14 409.145 Care of children.--

15 (3)

16 (b) The services of the foster care program shall
17 continue for those individuals 18 to 21 years of age only for
18 the period of time the individual is continuously enrolled in
19 high school, in a program leading to a high school equivalency
20 diploma as defined in s. 229.814, or in a full-time career
21 education program. Services shall be terminated upon
22 completion of or withdrawal or permanent expulsion from high
23 school, the program leading to a high school equivalency
24 diploma, or the full-time career education program. In
25 addition, the department may, based upon the availability of
26 funds, provide assistance to those individuals who leave
27 foster care when they attain 18 years of age and subsequently
28 request assistance prior to their 21st birthday. The following
29 are examples of assistance that may be provided: referrals for
30 employment, services for educational or vocational
31 development, and housing assistance.

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

3 409.1671 Foster care and related services;
4 privatization.--

5 (3)(a) In order to help ensure a seamless child
6 protection system, the department shall ensure that contracts
7 entered into with community-based agencies pursuant to this
8 section include provisions for a case-transfer process to
9 determine the date that the community-based agency will
10 initiate the appropriate services for a child and family. ~~This~~
11 ~~case-transfer process must clearly identify the closure of the~~
12 ~~protective investigation and the initiation of service~~
13 ~~provision.~~At the point of case transfer, as well as at the
14 conclusion of an investigation, the department must provide a
15 complete summary of the findings of the investigation to the
16 community-based agency.

17 (b) The contracts must also ensure that each
18 community-based agency shall furnish regular status reports of
19 its cases to the department as specified in the contract. A
20 provider may not discontinue services without prior written
21 notification to the department. After discontinuing services
22 to a child or a child and family, the community-based agency
23 must provide a written case summary, including its assessment
24 of the child and family, to the department.

25 (c) The annual contract between the department and
26 community-based agencies must include provisions that specify
27 the procedures to be used by the parties to resolve
28 differences in interpreting the contract or to resolve
29 disputes as to the adequacy of the parties' compliance with
30 their respective obligations under the contract.

31

1 Section 10. Paragraph (f) of subsection (8) of section
2 39.402, Florida Statutes, is amended to read:

3 39.402 Placement in a shelter.--

4 (8)

5 (f) At the shelter hearing, the department shall
6 inform the court of:

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

10 2. Any adjudication of the parents or caregivers of
11 delinquency;

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

14 4. All of the child's places of residence during the
15 prior 12 months.

16 Section 11. Section 1 of chapter 99-168, Laws of
17 Florida, is repealed.

18 Section 12. This act shall take effect July 1, 2000.

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