

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; creating  
20 s. 409.1753, F.S.; specifying duties of the  
21 Department of Children and Family Services or  
22 its agents regarding foster care; providing for  
23 dependency court pilot programs; requiring a  
24 report; prohibiting position-lapse adjustments  
25 for certain positions; establishing a work  
26 group within the Department of Children and  
27 Family Services; providing duties; requiring  
28 reports; amending s. 39.402; clarifying that  
29 the court must be informed of identified case  
30 plans at shelter hearings; creating s. 784.085,  
31 F.S.; prohibiting battery of a child by

1           throwing, tossing, projecting, or expelling  
2           certain fluids; providing a penalty; providing  
3           a definition; amending s. 921.0022, F.S.,  
4           relating to the criminal Punishment Code;  
5           conforming provisions to changes made by the  
6           act; repealing s. 1, ch. 99-168, Laws of  
7           Florida, which provides the short title for the  
8           Kayla McKean Child Protection Act; providing an  
9           effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13           Section 1. Subsections (2), (7), (8), and (9) of  
14 section 39.201, Florida Statutes, are amended to read:

15           39.201 Mandatory reports of child abuse, abandonment,  
16 or neglect; mandatory reports of death; central abuse  
17 hotline.--

18           (2)(a) Each report of known or suspected child abuse,  
19 abandonment, or neglect pursuant to this section, except those  
20 solely under s. 827.04(3), shall be made immediately to the  
21 department's central abuse hotline on the single statewide  
22 toll-free telephone number, and, if the report is of an  
23 instance of known or suspected child abuse by a noncaretaker,  
24 the call shall be immediately electronically transferred to  
25 the appropriate county sheriff's office by the central abuse  
26 hotline. If the report is of an instance of known or  
27 suspected child abuse involving impregnation of a child under  
28 16 years of age by a person 21 years of age or older solely  
29 under s. 827.04(3), the report shall be made immediately to  
30 the appropriate county sheriff's office or other appropriate  
31 law enforcement agency. If the report is of an instance of

1 known or suspected child abuse solely under s. 827.04(3), the  
2 reporting provisions of this subsection do not apply to health  
3 care professionals or other persons who provide medical or  
4 counseling services to pregnant children when such reporting  
5 would interfere with the provision of medical services.

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

12 (c) Reporters in occupation categories designated in  
13 subsection (1) are required to provide their names to the  
14 hotline staff. The names of reporters shall be entered into  
15 the record of the report, but shall be held confidential as  
16 provided in s. 39.202.

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

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

22 1. The department shall determine the age of the  
23 alleged juvenile sexual offender if known.

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

1           3. When the alleged juvenile sexual offender is 13  
2 years of age or older, the department shall immediately  
3 electronically transfer the call to the appropriate county  
4 sheriff's office by the central abuse hotline, and send a  
5 written report to the appropriate county sheriff's office  
6 within 48 hours after the initial report to the central abuse  
7 hotline.

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

19           (g) The department shall voice-record all incoming or  
20 outgoing calls that are received or placed by the central  
21 abuse hotline which relate to suspected or known child abuse,  
22 neglect, or abandonment. The recording shall become a part of  
23 the record of the report, but, notwithstanding s. 39.202,  
24 shall be released in full to law enforcement agencies and  
25 state attorneys for the purpose of investigating and  
26 prosecuting criminal charges pursuant to s. 39.205 or to  
27 employees of the department for the purpose of investigating  
28 and seeking administrative penalties pursuant to s. 39.206 ~~is~~  
29 ~~subject to the same confidentiality as is provided to the~~  
30 ~~identity of the caller under s. 39.202.~~ Nothing in this  
31

1 paragraph shall prohibit the use of the recordings by hotline  
2 staff for quality assurance and training.

3 (7) This section does not require a professional who  
4 is hired by or enters into a contract with the department for  
5 the purpose of treating or counseling any person, as a result  
6 of a report of child abuse, abandonment, or neglect, to again  
7 report to the central abuse hotline the abuse, abandonment, or  
8 neglect that was the subject of the referral for treatment.  
9 This section does not require an officer or employee of the  
10 judicial branch to again provide notice of reasonable cause to  
11 suspect child abuse, abandonment, or neglect when that child  
12 is currently being investigated by the department, when there  
13 is an existing dependency case, or when the matter has  
14 previously been reported to the department, provided that  
15 there is reasonable cause to believe that the information is  
16 already known to the department. This subsection applies only  
17 when the information has been provided to the officer or  
18 employee in the course of his or her official duties.

19 (8) Nothing in this chapter or in the contracting with  
20 community-based care providers for ~~privatization~~ of foster  
21 care and related services as specified in s. 409.1671 shall be  
22 construed to remove or reduce the duty and responsibility of  
23 any person, including any employee of the community-based care  
24 ~~privatization~~ provider, to report a suspected or actual case  
25 of child abuse, abandonment, or neglect or the sexual abuse of  
26 a child to the department's central abuse hotline.

27 (9) On an ongoing basis, the department's quality  
28 assurance program shall review calls ~~reports~~ to the hotline  
29 involving three or more unaccepted reports on a single child,  
30 where jurisdiction applies, in order to detect such things as  
31 harassment and situations that warrant an investigation

1 because of the frequency or variety of the source of the  
2 reports. The assistant secretary may refer a case for  
3 investigation when it is determined, as a result of this  
4 review, that an investigation may be warranted.

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

7 39.202 Confidentiality of reports and records in cases  
8 of child abuse or neglect.--

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

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

30 39.205 Penalties relating to reporting of child abuse,  
31 abandonment, or neglect.--

1 (1) A person who is required to report known or  
2 suspected child abuse, abandonment, or neglect and who  
3 knowingly and willfully fails to do so, or who knowingly and  
4 willfully prevents another person from doing so, is guilty of  
5 a misdemeanor of the first degree, punishable as provided in  
6 s. 775.082 or s. 775.083. A judge, subject to discipline  
7 pursuant to s. 12 of Art. V of the State Constitution, shall  
8 not be subject to criminal prosecution when the information  
9 was received in the course of official duties.

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

13 39.301 Initiation of protective investigations.--

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

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

24 1. A child is known or suspected to be the victim of  
25 child abuse, as defined in s. 827.03, or of neglect of a  
26 child, as defined in s. 827.03.

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

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

31



1           4. A child is known or suspected to be the victim of  
2 sexual battery, as defined in s. 827.071, or of sexual abuse,  
3 as defined in s. 39.01.

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

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

21           (c) The local law enforcement agreement required in s.  
22 39.306 must describe the specific local protocols for  
23 implementing this section.

24           (8) The person responsible for the investigation shall  
25 make a preliminary determination as to whether the report is  
26 complete, consulting with the attorney for the department when  
27 necessary. In any case in which the person responsible for  
28 the investigation finds that the report is incomplete, he or  
29 she shall return it without delay to the person or agency  
30 originating the report or having knowledge of the facts, or to  
31 the appropriate law enforcement agency having investigative

1 jurisdiction, and request additional information in order to  
2 complete the report; however, the confidentiality of any  
3 report filed in accordance with this chapter shall not be  
4 violated.

5 (b) If it is determined that the child is in need of  
6 the protection and supervision of the court, the department  
7 shall file a petition for dependency. A petition for  
8 dependency shall be filed in all cases classified by the  
9 department as high-risk. Factors that the department may  
10 consider in determining whether a case is high-risk include,  
11 but are not limited to, the young age of the cases, including,  
12 ~~but not limited to, cases involving~~ parents or legal  
13 custodians ~~of a young age~~, the use of illegal drugs, or  
14 domestic violence.

15 (12)

16 (c) The department, in consultation with the  
17 judiciary, shall adopt by rule criteria that are factors  
18 requiring that the department take the child into custody,  
19 petition the court as provided in this chapter, or, if the  
20 child is not taken into custody or a petition is not filed  
21 with the court, conduct an administrative review. If after an  
22 administrative review the department determines not to take  
23 the child into custody or petition the court, the department  
24 shall document the reason for its decision in writing and  
25 include it in the investigative file. For all cases that were  
26 accepted by the local law enforcement agency for criminal  
27 investigation pursuant to subsection (2), the department must  
28 include in the file written documentation that the  
29 administrative review included input from law enforcement. In  
30 addition, for all cases that must be referred to child  
31 protection teams pursuant to s. 39.303(2) and (3), the file

1 must include written documentation that the administrative  
2 review included the results of the team's evaluation ~~medical~~  
3 ~~evaluation~~. Factors that must be included in the development  
4 of the rule include noncompliance with the case plan developed  
5 by the department, or its agent, and the family under this  
6 chapter and prior abuse reports with findings that involve the  
7 child or caregiver.

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

11 (17) When a law enforcement agency conducts a criminal  
12 investigation into allegations of child abuse, neglect, or  
13 abandonment, photographs documenting the abuse or neglect will  
14 be taken when appropriate. ~~is participating in an~~  
15 ~~investigation, the agency shall take photographs of the~~  
16 ~~child's living environment. Such photographs shall become part~~  
17 ~~of the investigative file.~~

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

24 Section 5. Section 39.303, Florida Statutes, is  
25 amended to read:

26 39.303 Child protection teams; services; eligible  
27 cases.--The Department of Health shall develop, maintain, and  
28 coordinate the services of one or more multidisciplinary child  
29 protection teams in each of the service districts of the  
30 Department of Children and Family Services. Such teams may be  
31 composed of appropriate representatives of school districts

1 and appropriate health, mental health, social service, legal  
2 service, and law enforcement agencies. The Legislature finds  
3 that optimal coordination of child protection teams and sexual  
4 abuse treatment programs requires collaboration between the  
5 Department of Health and the Department of Children and Family  
6 Services. The two departments shall maintain an interagency  
7 agreement that establishes protocols for oversight and  
8 operations of child protection teams and sexual abuse  
9 treatment programs. The Secretary of Health and the Deputy  
10 Secretary for ~~director of~~ Children's Medical Services, in  
11 consultation with the Secretary of Children and Family  
12 Services, shall maintain the responsibility for the screening,  
13 employment, and, if necessary, the termination of child  
14 protection team medical directors, at headquarters and in the  
15 15 districts. Child protection team medical directors shall be  
16 responsible for oversight of the teams in the districts.

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

1 (a) Medical diagnosis and evaluation services,  
2 including provision or interpretation of X rays and laboratory  
3 tests, and related services, as needed, and documentation of  
4 findings relative thereto.

5 (b) Telephone consultation services in emergencies and  
6 in other situations.

7 (c) Medical evaluation related to abuse, abandonment,  
8 or neglect, as defined by policy or rule of the Department of  
9 Health.

10 (d) Such psychological and psychiatric diagnosis and  
11 evaluation services for the child or the child's parent or  
12 parents, legal custodian or custodians, or other caregivers,  
13 or any other individual involved in a child abuse,  
14 abandonment, or neglect case, as the team may determine to be  
15 needed.

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

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

30  
31

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

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

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

14 (j) Child protection team assessments that include, as  
15 appropriate, a medical evaluation, medical consultation,  
16 family psychosocial interview, specialized clinical interview,  
17 or forensic interview.

18  
19 All medical personnel participating on a child protection team  
20 must successfully complete the required child protection team  
21 training curriculum as set forth in protocols determined by  
22 the Deputy Secretary for Children's Medical Services and the  
23 Statewide Medical Director for Child Protection Teams.

24 (2) The child abuse, abandonment, and neglect reports  
25 that must be referred by the Department of Children and Family  
26 Services to child protection teams of the Department of Health  
27 for an assessment ~~medical evaluation~~ and other appropriate  
28 available support services as set forth in subsection (1) must  
29 include cases involving:

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

1           (b) Bruises anywhere on a child 5 years of age or  
2 under.

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

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

8           ~~(e)(d)~~ Reported malnutrition of a child and failure of  
9 a child to thrive.

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

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

17           ~~(h)(g)~~ Symptoms of serious emotional problems in a  
18 child when emotional or other abuse, abandonment, or neglect  
19 is suspected.

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

21           (3) All abuse and neglect cases transmitted for  
22 investigation to a district by the hotline must be  
23 simultaneously transmitted to the Department of Health child  
24 protection team for review. For the purpose of determining  
25 whether face-to-face medical evaluation of a child by a child  
26 protection team is necessary, all cases transmitted to the  
27 child protection team which meet the criteria in subsection  
28 (2) must be timely reviewed by:

29           (a) A physician licensed under chapter 458 or chapter  
30 459 who holds board certification in pediatrics and is a  
31 member of a child protection team;

1           (b) A physician who is licensed under chapter 458 or  
2 chapter 459 who holds board certification in a specialty other  
3 than pediatrics who may complete the review only when working  
4 under the direction of a physician licensed under chapter 458  
5 or chapter 459 who holds board certification in pediatrics and  
6 is a member of a child protection team;

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

10           (d) A physician assistant licensed under chapter 458  
11 or chapter 459, who may complete the review only when working  
12 under the supervision of a physician licensed under chapter  
13 458 or chapter 459 who holds board certification in pediatrics  
14 and is a member of a child protection team; or

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

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

27           (a) The child was examined by a  
28 non-child-protection-team physician for the alleged abuse or  
29 neglect, and a consultation between the examining physician  
30 and the child protection team board-certified pediatrician,  
31 advanced registered ~~or~~ nurse practitioner, physician assistant



1 working under the supervision of a child protection team  
2 board-certified pediatrician, or a registered nurse working  
3 under the direct supervision of a child protection team  
4 board-certified pediatrician and the examining physician  
5 concludes that a further medical evaluation is unnecessary;  
6 or;

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

11 (c) The child protection team board-certified  
12 pediatrician, as authorized in subsection (3), determines that  
13 a medical evaluation is not required. Notwithstanding  
14 paragraphs (a) and (b), a child protection team pediatrician  
15 or advanced registered nurse practitioner as authorized in  
16 subsection (3) may determine that a face-to-face medical  
17 evaluation is necessary.

18 (5)(4) In all instances in which a child protection  
19 team is providing certain services to abused, abandoned, or  
20 neglected children, other offices and units of the Department  
21 of Health, and offices and units of the Department of Children  
22 and Family Services, shall avoid duplicating the provision of  
23 those services.

24 (6) The child protection team quality assurance  
25 program of the Department of Health and the quality assurance  
26 program of the Family Safety Program Office of the Department  
27 of Children and Family Services shall collaborate to ensure  
28 that referrals and responses to child abuse and neglect  
29 reports are appropriate. Each quality assurance program shall  
30 include a review of records in which there are no findings of  
31

1 abuse or neglect, and the findings of these reviews shall be  
2 included in each department's quality assurance reports.

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

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

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

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

1 injury was the result of child abuse, abandonment, or neglect  
2 may authorize a radiological examination to be performed on  
3 the child without the consent of the child's parent or legal  
4 custodian.

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

8 383.402 Child abuse death review; State Child Abuse  
9 Death Review Committee; local child abuse death review  
10 committees.--

11 (3) The State Child Abuse Death Review Committee  
12 shall:

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

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

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

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

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

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

15            (b) Ensuring the appropriate implementation of the  
16 child abuse death review process and all district activities  
17 related to the review of child abuse deaths.

18            (c) Working with the committee to ensure that the  
19 reviews are thorough and that all issues are appropriately  
20 addressed.

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

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

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1 (f) Coordinating child abuse death review activities,  
2 as needed, with individuals in the community and the  
3 Department of Health.

4 (g) Notifying the district administrator, the  
5 Secretary of Children and Family Services, ~~and~~ the Deputy  
6 Secretary for of Children's Medical Services, and the  
7 Department of Health Child Abuse Death Review Coordinator  
8 ~~Assistant Health Officer~~ of all child abuse deaths meeting  
9 criteria for review as specified in this section within 1  
10 working day after verifying the child's death was due to  
11 abuse, neglect, or abandonment ~~learning of the child's death.~~

12 (h) Ensuring that all critical issues identified by  
13 the local child abuse death review committee are brought to  
14 the attention of the district administrator and the Secretary  
15 of Children and Family Services.

16 (i) Providing technical assistance to the local child  
17 abuse death review committee during the review of any child  
18 abuse death.

19 Section 8. Paragraph (b) of subsection (3) of section  
20 409.145, Florida Statutes, is amended to read:

21 409.145 Care of children.--

22 (3)

23 (b) The services of the foster care program shall  
24 continue for those individuals 18 to 21 years of age only for  
25 the period of time the individual is continuously enrolled in  
26 high school, in a program leading to a high school equivalency  
27 diploma as defined in s. 229.814, or in a full-time career  
28 education program. Services shall be terminated upon  
29 completion of or withdrawal or permanent expulsion from high  
30 school, the program leading to a high school equivalency  
31 diploma, or the full-time career education program. In

1 addition, the department may, based upon the availability of  
2 funds, provide assistance to those individuals who leave  
3 foster care when they attain 18 years of age and subsequently  
4 request assistance prior to their 21st birthday. The following  
5 are examples of assistance that may be provided: referrals for  
6 employment, services for educational or vocational  
7 development, and housing assistance.

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

10 409.1671 Foster care and related services;  
11 privatization.--

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

24 (b) The contracts must also ensure that each  
25 community-based agency shall furnish regular status reports of  
26 its cases to the department as specified in the contract. A  
27 provider may not discontinue services without prior written  
28 notification to the department. After discontinuing services  
29 to a child or a child and family, the community-based agency  
30 must provide a written case summary, including its assessment  
31 of the child and family, to the department.

1 (c) The annual contract between the department and  
2 community-based agencies must include provisions that specify  
3 the procedures to be used by the parties to resolve  
4 differences in interpreting the contract or to resolve  
5 disputes as to the adequacy of the parties' compliance with  
6 their respective obligations under the contract.

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

9 39.402 Placement in a shelter.--

10 (8)

11 (f) At the shelter hearing, the department shall  
12 inform the court of:

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

16 2. Any adjudication of the parents or caregivers of  
17 delinquency;

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

20 4. All of the child's places of residence during the  
21 prior 12 months.

22 Section 11. Present paragraph (c) of subsection (13)  
23 of section 409.175, Florida Statutes, is redesignated as  
24 paragraph (d) and a new paragraph (c) is added to that  
25 subsection to read:

26 409.175 Licensure of family foster homes, residential  
27 child-caring agencies, and child-placing agencies.--

28 (13)

29 (c) In consultation with foster parents, each district  
30 or lead agency shall develop a plan for making the completion  
31 of the required training as convenient as possible for

1 potential foster parents and emergency-shelter parents. The  
2 plan should include, without limitation, such strategies as  
3 providing training in nontraditional locations and at  
4 nontraditional times. The plan must be revised at least  
5 annually and must be included in the information provided to  
6 each person applying to become a foster parent or  
7 emergency-shelter parent.

8 Section 12. Section 409.1753, Florida Statutes, is  
9 created to read:

10 409.1753 Foster care; duties.--The department shall  
11 ensure that, within each district, each foster home is given a  
12 telephone number for the foster parent to call during normal  
13 working hours whenever immediate assistance is needed and the  
14 child's caseworker is unavailable. This number must be staffed  
15 and answered by individuals possessing the knowledge and  
16 authority necessary to assist foster parents.

17 Section 13. Section 784.085, Florida Statutes, is  
18 created to read:

19 784.085 Battery of child by throwing, tossing,  
20 projecting, or expelling certain fluids or materials.--

21 (1) It is unlawful for any person to knowingly cause  
22 or attempt to cause a child to come into contact with blood,  
23 seminal fluid, or urine or feces by throwing, tossing,  
24 projecting, or expelling such fluid or material.

25 (2) Any person who violates this section commits  
26 battery of a child, a felony of the third degree, punishable  
27 as provided in s. 775.082, s. 775.083, or s. 775.084.

28 (3) As used in this section, the term "child" means a  
29 person under 18 years of age.

30 Section 14. Paragraph (d) of subsection (3) of section  
31 921.0022, Florida Statutes, is amended to read:



1	921.0022	Criminal Punishment Code; offense severity
2	ranking chart.--	
3	(3)	OFFENSE SEVERITY RANKING CHART
4		
5	Florida	Felony
6	Statute	Degree
7		Description
8		
9		(d) LEVEL 4
10	316.1935(3)	2nd
11		Driving at high speed or with
12		wanton disregard for safety while
13		fleeing or attempting to elude
14		law enforcement officer who is in
15		a marked patrol vehicle with
16	784.07(2)(b)	3rd
17		Battery of law enforcement
18		officer, firefighter, intake
19	784.075	3rd
20		officer, etc.
21	784.08(2)(c)	3rd
22		Battery on detention or
23	784.081(3)	3rd
24		commitment facility staff.
25	784.082(3)	3rd
26		Battery on a person 65 years of
27	784.083(3)	3rd
28	<u>784.085</u>	<u>3rd</u>
29		<u>Battery on specified official or</u>
30		<u>employee.</u>
31		<u>Battery by detained person on</u>
		<u>visitor or other detainee.</u>
		<u>Battery on code inspector.</u>
		<u>Battery of child by throwing,</u>
		<u>tossing, projecting, or expelling</u>
		<u>certain fluids or materials.</u>

1	787.03(1)	3rd	Interference with custody;
2			wrongly takes child from
3			appointed guardian.
4	787.04(2)	3rd	Take, entice, or remove child
5			beyond state limits with criminal
6			intent pending custody
7			proceedings.
8	787.04(3)	3rd	Carrying child beyond state lines
9			with criminal intent to avoid
10			producing child at custody
11			hearing or delivering to
12			designated person.
13	790.115(1)	3rd	Exhibiting firearm or weapon
14			within 1,000 feet of a school.
15	790.115(2)(b)	3rd	Possessing electric weapon or
16			device, destructive device, or
17			other weapon on school property.
18	790.115(2)(c)	3rd	Possessing firearm on school
19			property.
20	800.04(7)(c)	3rd	Lewd or lascivious exhibition;
21			offender less than 18 years.
22	810.02(4)(a)	3rd	Burglary, or attempted burglary,
23			of an unoccupied structure;
24			unarmed; no assault or battery.
25	810.02(4)(b)	3rd	Burglary, or attempted burglary,
26			of an unoccupied conveyance;
27			unarmed; no assault or battery.
28	810.06	3rd	Burglary; possession of tools.
29	810.08(2)(c)	3rd	Trespass on property, armed with
30			firearm or dangerous weapon.
31			

1	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
2			or more but less than \$20,000.
3	812.014		
4	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
5			firearm, motor vehicle,
6			livestock, etc.
7	817.563(1)	3rd	Sell or deliver substance other
8			than controlled substance agreed
9			upon, excluding s. 893.03(5)
10			drugs.
11	828.125(1)	2nd	Kill, maim, or cause great bodily
12			harm or permanent breeding
13			disability to any registered
14			horse or cattle.
15	837.02(1)	3rd	Perjury in official proceedings.
16	837.021(1)	3rd	Make contradictory statements in
17			official proceedings.
18	843.025	3rd	Deprive law enforcement,
19			correctional, or correctional
20			probation officer of means of
21			protection or communication.
22	843.15(1)(a)	3rd	Failure to appear while on bail
23			for felony (bond estreature or
24			bond jumping).
25	874.05(1)	3rd	Encouraging or recruiting another
26			to join a criminal street gang.
27	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
28			893.03(1)(a), (b), or (d), or
29			(2)(a) or (b) drugs).
30	914.14(2)	3rd	Witnesses accepting bribes.
31			

1 914.22(1) 3rd Force, threaten, etc., witness,  
2 victim, or informant.  
3 914.23(2) 3rd Retaliation against a witness,  
4 victim, or informant, no bodily  
5 injury.  
6 918.12 3rd Tampering with jurors.  
7 Section 15. Section 1 of chapter 99-168, Laws of  
8 Florida, is repealed.  
9 Section 16. This act shall take effect July 1, 2000.  
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