

Bill No. CS for SB 1766

Amendment No. ____ Barcode 862764

CHAMBER ACTION

Senate

House

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Senator Sullivan moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. This act may be cited as the "Kimberlin West Act of 2002."

Section 2. Dangers of shaking infants and young children; requirements for distributing brochures.--

(1) Every hospital, birthing facility, and provider of home birth which has maternity and newborn services shall provide to the parents of a newborn, before they take their newborn home from the hospital or birthing facility, written information with an explanation concerning the dangers of shaking infants and young children. Brochures shall also be provided to infant child care providers.

(2) The Department of Health shall prepare a brochure that describes the dangers of shaking infants and young children. The description must include information concerning the grave effects of shaking infants and young children,

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1 information concerning appropriate ways to manage the causes
2 that can lead a person to shake infants and young children,
3 and a discussion of ways to reduce the risks that can lead a
4 person to shake infants and young children.

5 (3) This section does not preclude a hospital,
6 birthing facility, or a home birth provider from providing the
7 notice required under this section as an addendum to, or in
8 connection with, any other required information.

9 (4) A cause of action does not accrue against the
10 state or any subdivision or agency thereof or any hospital
11 birthing facility or home-birth provider for failure to give
12 or receive the information required under this section.

13 Section 3. Section 39.204, Florida Statutes, is
14 amended to read:

15 39.204 Abrogation of privileged communications in
16 cases involving child abuse, abandonment, or neglect.--The
17 privileged quality of communication between husband and wife
18 and between any professional person and his or her patient or
19 client, and any other privileged communication except that
20 between attorney and client or the privilege provided in s.
21 90.505, as such communication relates both to the competency
22 of the witness and to the exclusion of confidential
23 communications, shall not apply to any communication involving
24 the perpetrator or alleged perpetrator in any situation
25 involving known or suspected child abuse, abandonment, or
26 neglect and shall not constitute grounds for failure to report
27 as required by s. 39.201 regardless of the source of the
28 information requiring the report, failure to cooperate with
29 law enforcement or the department in its activities pursuant
30 to this chapter, or failure to give evidence in any judicial
31 proceeding relating to child abuse, abandonment, or neglect.

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1 Section 4. Subsections (3) and (5) of section
2 415.1045, Florida Statutes, are amended to read:

3 415.1045 Photographs, videotapes, and medical
4 examinations; abrogation of privileged communications;
5 confidential records and documents.--

6 (3) ABROGATION OF PRIVILEGED COMMUNICATIONS.--The
7 privileged quality of communication between husband and wife
8 and between any professional and the professional's patient or
9 client, and any other privileged communication except that
10 between attorney and client or clergy and person, as such
11 communication relates to both the competency of the witness
12 and to the exclusion of confidential communications, does not
13 apply to any situation involving known or suspected abuse,
14 neglect, or exploitation of a vulnerable adult and does not
15 constitute grounds for failure to report as required by s.
16 415.1034, for failure to cooperate with law enforcement or the
17 department in its activities under ss. 415.101-415.113, or for
18 failure to give evidence in any judicial or administrative
19 proceeding relating to abuse, neglect, or exploitation of a
20 vulnerable adult.

21 (5) ACCESS TO RECORDS AND DOCUMENTS.--If any person
22 refuses to allow a law enforcement officer or the protective
23 investigator to have access to, inspect, or copy any medical,
24 social, or financial record or document in the possession of
25 any person, caregiver, guardian, or facility which is relevant
26 to the allegations under investigation, the department may
27 petition the court for an order requiring the person to allow
28 access to the record or document. The petition must allege
29 specific facts sufficient to show that the record or document
30 is relevant to the allegations under investigation and that
31 the person refuses to allow access to such record or document.

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1 If the court finds by a preponderance of the evidence that the
2 record or document is relevant to the allegations under
3 investigation, the court may order the person to allow access
4 to and permit the inspection or copying of the medical,
5 social, or financial record or document.

6 Section 5. This act shall take effect upon becoming a
7 law.

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10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 Delete everything before the enacting clause

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14

and insert:

15 A bill to be entitled
16 A act relating to child and adult abuse;
17 providing a short title; requiring hospitals,
18 birthing facilities, or home birth providers to
19 give to new parents informational brochures
20 concerning the dangers of shaking babies and
21 young children; requiring the Department of
22 Health to prepare the brochures; prescribing
23 the contents of the brochures; providing that a
24 cause of action against specified persons and
25 entities does not accrue as a result of failure
26 to give this information; amending ss. 39.204
27 and 415.1045, F.S.; providing applicability of
28 failure to cooperate with law enforcement with
29 respect to investigation of or privileged
30 communications regarding child or adult abuse;
31 providing an effective date.