

By the Committee on Children and Families

300-2061-03

1 A bill to be entitled
2 An act relating to child protective
3 investigations; amending s. 39.201, F.S.;
4 clarifying persons responsible for a child's
5 welfare; requiring personnel from the abuse
6 hotline of the Department of Children and
7 Family Services to determine if a report meets
8 the criteria for child abuse, neglect, or
9 abandonment; modifying the consideration given
10 to specified reporters; requiring the
11 Department of Children and Family Services to
12 conduct an assessment in response to certain
13 reports involving juvenile sexual offenders;
14 deleting the reference to the professionals
15 mandated to report child abuse, neglect, or
16 abandonment; providing in a different
17 subsection for the professionals' provision of
18 their name; providing in a different subsection
19 the stipulation that the contracted providers
20 and employees of the judicial branch do not
21 need to report incidents already known by the
22 Department of Children and Family Services;
23 providing in a different subsection the clear
24 duty of community-based providers to report
25 abuse, abandonment and neglect; providing that
26 reports of out-of-state abuse not be accepted
27 by the hotline; amending s. 39.301, F.S.;
28 providing for an onsite investigation process
29 for reports meeting specified criteria;
30 requiring approval and documentation that a
31 report meets the criteria; requiring that

1 certain reports are subject to an enhanced
2 onsite child protective investigation;
3 providing criteria; providing requirements for
4 such investigations; requiring the department
5 to monitor the findings of the reports in its
6 quality assurance program; amending s. 39.302,
7 F.S.; revising the timeframe for responding to
8 a report of institutional child abuse; amending
9 s. 39.307, F.S.; revising a cross-reference;
10 amending s. 39.823, F.S., relating to guardian
11 advocates; conforming a cross-reference to
12 changes made by the act; amending s. 414.065,
13 F.S.; eliminating the requirement for a
14 referral for protection intervention; requiring
15 the Department of Children and Family Services
16 to establish a Protective Investigator
17 Retention Workgroup; specifying the issues to
18 be examined and plans to be developed;
19 requiring a report to the Legislature on the
20 results of the examinations and plans
21 developed; requiring the Department of Children
22 and Family Services to conduct a quality
23 assurance review of child abuse reports that
24 are subject to an onsite child protective
25 investigation; requiring the quality assurance
26 review of sheriffs' offices conducting child
27 protective investigations to be incorporated
28 into their program performance evaluation;
29 requiring a report to the Legislature;
30 prohibiting the amendment of the approved
31 operating budget to reduce protective

1 investigative positions; requiring the
2 Department of Children and Family Services to
3 develop guidelines for conducting onsite and
4 enhanced child protection investigations in
5 collaboration with the sheriffs' offices;
6 providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

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

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

15 (1) (a) Any person, including, but not limited to, any:
16 ~~(a) Physician, osteopathic physician, medical~~
17 ~~examiner, chiropractic physician, nurse, or hospital personnel~~
18 ~~engaged in the admission, examination, care, or treatment of~~
19 ~~persons;~~

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

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

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

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

29 ~~(f) Law enforcement officer; or~~

30 ~~(g) Judge, who knows, or has reasonable cause to~~
31 suspect, that a child is abused, abandoned, or neglected by a

1 parent, legal custodian, caregiver, or other person
2 responsible for the child's welfare, as defined in this
3 chapter, shall report such knowledge or suspicion to the
4 department in the manner prescribed in subsection (2).

5 (b) Reporters in the following occupation categories
6 are required to provide their names to the hotline staff:

7 1. Physician, osteopathic physician, medical examiner,
8 chiropractic physician, nurse, or hospital personnel engaged
9 in the admission, examination, care, or treatment of persons;

10 2. Health or mental health professional other than one
11 listed in subparagraph 1.;

12 3. Practitioner who relies solely on spiritual means
13 for healing;

14 4. School teacher or other school official or
15 personnel;

16 5. Social worker, day care center worker, or other
17 professional child care, foster care, residential, or
18 institutional worker;

19 6. Law enforcement officer; or

20 7. Judge.

21
22 The names of reporters shall be entered into the record of the
23 report, but shall be held confidential and exempt as provided
24 in s. 39.202.

25 (c) A professional who is hired by or enters into a
26 contract with the department for the purpose of treating or
27 counseling any person, as a result of a report of child abuse,
28 abandonment, or neglect, is not required to again report to
29 the central abuse hotline the abuse, abandonment, or neglect
30 that was the subject of the referral for treatment.

31

1 (d) An officer or employee of the judicial branch is
2 not required to again provide notice of reasonable cause to
3 suspect child abuse, abandonment, or neglect when that child
4 is currently being investigated by the department, there is an
5 existing dependency case, or the matter has previously been
6 reported to the department, provided there is reasonable cause
7 to believe the information is already known to the department.
8 This paragraph applies only when the information has been
9 provided to the officer or employee in the course of carrying
10 out his or her official duties.

11 (e) Nothing in this chapter or in the contracting with
12 community-based care providers for foster care and related
13 services as specified in s. 409.1671 shall be construed to
14 remove or reduce the duty and responsibility of any person,
15 including any employee of the community-based care provider,
16 to report a suspected or actual case of child abuse,
17 abandonment, or neglect or the sexual abuse of a child to the
18 department's central abuse hotline.

19 (2)(a) Each report of known or suspected child abuse,
20 abandonment, or neglect by a parent, legal custodian,
21 caregiver, or other person responsible for the child's welfare
22 as defined in this chapter pursuant to this section, except
23 those solely under s. 827.04(3), shall be made immediately to
24 the department's central abuse hotline on the single statewide
25 toll-free telephone number. Personnel at the department's
26 central abuse hotline shall determine if the report received
27 meets the statutory definition of child abuse, abandonment, or
28 neglect. Any report meeting one of these definitions shall be
29 accepted for the protective investigation pursuant to part III
30 of this chapter., and,
31

1 (b) If the report is of an instance of known or
2 suspected child abuse by someone other than a parent, legal
3 custodian, caregiver, or other person responsible for the
4 child's welfare as defined in this chapter ~~a noncaretaker~~, the
5 call shall be immediately electronically transferred to the
6 appropriate county sheriff's office by the central abuse
7 hotline.

8 (c) If the report is of an instance of known or
9 suspected child abuse, abandonment, or neglect that occurred
10 out of state and the alleged perpetrator and the child alleged
11 to be a victim live out of state, the central abuse hotline
12 shall not accept the call for investigation, but shall
13 transfer the information on the report to the appropriate
14 state.

15 (d) If the report is of an instance of known or
16 suspected child abuse involving impregnation of a child under
17 16 years of age by a person 21 years of age or older solely
18 under s. 827.04(3), the report shall be made immediately to
19 the appropriate county sheriff's office or other appropriate
20 law enforcement agency. If the report is of an instance of
21 known or suspected child abuse solely under s. 827.04(3), the
22 reporting provisions of this subsection do not apply to health
23 care professionals or other persons who provide medical or
24 counseling services to pregnant children when such reporting
25 would interfere with the provision of medical services.

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

1 ~~(c)~~ Reporters in occupation categories designated in
2 subsection ~~(1)~~ are required to provide their names to the
3 hotline staff. The names of reporters shall be entered into
4 the record of the report, but shall be held confidential as
5 provided in s. ~~39.202~~.

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

10 (f)~~(e)~~ Reports involving a known or suspected juvenile
11 sexual offender shall be made and received by the department.

12 1. The department shall determine the age of the
13 alleged juvenile sexual offender if known.

14 2. When the alleged juvenile sexual offender is 12
15 years of age or younger, the central abuse hotline shall
16 immediately electronically transfer the call to the
17 appropriate law enforcement agency office.The department
18 shall conduct an assessment and assist the family in receiving
19 appropriate services pursuant to s. 39.307 ~~proceed with an~~
20 ~~investigation of the report pursuant to this part, immediately~~
21 ~~electronically transfer the call to the appropriate law~~
22 ~~enforcement agency office by the central abuse hotline, and~~
23 send a written report of the allegation to the appropriate
24 county sheriff's office within 48 hours after the initial
25 report is made to the central abuse hotline.

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

3 (g)~~(f)~~ Reports involving abandoned newborn infants as
4 described in s. 383.50 shall be made and received by the
5 department.

6 1. If the report is of an abandoned newborn infant as
7 described in s. 383.50 and there is no indication of abuse,
8 neglect, or abandonment other than that necessarily entailed
9 in the infant having been left at a hospital, emergency
10 medical services station, or fire station, the department
11 shall provide to the caller the name of a licensed
12 child-placing agency on a rotating basis from a list of
13 licensed child-placing agencies eligible and required to
14 accept physical custody of and to place newborn infants left
15 at a hospital, emergency medical services station, or fire
16 station. The report shall not be considered a report of abuse,
17 neglect, or abandonment solely because the infant has been
18 left at a hospital, emergency medical services station, or
19 fire station pursuant to s. 383.50.

20 2. If the caller reports indications of abuse or
21 neglect beyond that necessarily entailed in the infant having
22 been left at a hospital, emergency medical services station,
23 or fire station, the report shall be considered as a report of
24 abuse, neglect, or abandonment and shall be subject to the
25 requirements of s. 39.395 and all other relevant provisions of
26 this chapter, notwithstanding any provisions of chapter 383.

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

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

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

19 ~~(7)(a) This section does not require a professional~~
20 ~~who is hired by or enters into a contract with the department~~
21 ~~for the purpose of treating or counseling any person, as a~~
22 ~~result of a report of child abuse, abandonment, or neglect, to~~
23 ~~again report to the central abuse hotline the abuse,~~
24 ~~abandonment, or neglect that was the subject of the referral~~
25 ~~for treatment.~~

26 ~~(b) This section does not require an officer or~~
27 ~~employee of the judicial branch to again provide notice of~~
28 ~~reasonable cause to suspect child abuse, abandonment, or~~
29 ~~neglect when that child is currently being investigated by the~~
30 ~~department, there is an existing dependency case, or the~~
31 ~~matter has previously been reported to the department,~~

1 ~~provided there is reasonable cause to believe the information~~
2 ~~is already known to the department. This paragraph applies~~
3 ~~only when the information has been provided to the officer or~~
4 ~~employee in the course of official duties.~~

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

13 Section 2. Subsection (9) of section 39.301, Florida
14 Statutes, is amended, present subsections (10) through (19)
15 are redesignated as subsections (12) through (21),
16 respectively, and new subsections (10) and (11) are added to
17 that section, to read:

18 39.301 Initiation of protective investigations.--

19 (9)(a) For each report received that meets one or more
20 of the following criteria it receives, the department shall
21 perform an onsite child protective investigation:

22 1. A report for which there is obvious compelling
23 evidence that no maltreatment occurred and there are no prior
24 reports containing some indicators or verified findings of
25 abuse or neglect with respect to any subject of the report or
26 other individuals in the home. A prior report in which an
27 adult in the home was a victim of abuse or neglect before
28 becoming an adult does not exclude a report otherwise meeting
29 the criteria of this subparagraph from the onsite child
30 protective investigation provided for in this subparagraph.
31 The process for an onsite child protective investigation

1 stipulated in this subsection may not be conducted if an
2 allegation meeting the criteria of this subparagraph involves
3 physical abuse, sexual abuse, domestic violence, substance
4 abuse or substance exposure, medical neglect, a child younger
5 than 3 years of age, or a child who is disabled or lacks
6 communication skills.

7 2. A report concerning an incident of abuse which is
8 alleged to have occurred 2 or more years prior to the date of
9 the report and there are no other indicators of risk to any
10 child in the home.

11 (b) The onsite child protective investigation to be
12 performed shall include ~~that includes~~ a face-to-face interview
13 with the child; ~~other siblings; ~~parents, legal custodians,~~~~
14 or caregivers; and other adults in the household and an onsite
15 assessment of the child's residence in order to:

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

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

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1 3.(c) Determine the immediate and long-term risk to
2 each child by conducting state and federal records checks,
3 including, when feasible, the records of the Department of
4 Corrections, on the parents, legal custodians, or caregivers,
5 and any other persons in the same household. This information
6 shall be used solely for purposes supporting the detection,
7 apprehension, prosecution, pretrial release, posttrial
8 release, or rehabilitation of criminal offenders or persons
9 accused of the crimes of child abuse, abandonment, or neglect
10 and shall not be further disseminated or used for any other
11 purpose. The department's child protection investigators are
12 hereby designated a criminal justice agency for the purpose of
13 accessing criminal justice information to be used for
14 enforcing this state's laws concerning the crimes of child
15 abuse, abandonment, and neglect.

16 4.(d) Determine the immediate and long-term risk to
17 each child through utilization of standardized risk assessment
18 instruments.

19 5.(e) Based on the information obtained from available
20 sources, complete the risk assessment instrument within 48
21 hours after the initial contact and, if needed, develop a case
22 plan.

23 6.(f) Determine the protective, treatment, and
24 ameliorative services necessary to safeguard and ensure the
25 child's safety and well-being and development, and cause the
26 delivery of those services through the early intervention of
27 the department or its agent. The training provided to staff
28 members who conduct child protective investigations must
29 include instruction on how and when to use the injunction
30 process under s. 39.504 or s. 741.30 to remove a perpetrator
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1 of domestic violence from the home as an intervention to
2 protect the child.

3 (c) The determination that a report requires an
4 investigation as provided in this subsection and does not
5 require an enhanced onsite child protective investigation
6 pursuant to subsection (10) must be approved in writing by the
7 supervisor with documentation specifying why additional
8 investigative activities are not necessary.

9 (d) A report that meets the criteria specified in this
10 subsection is not precluded from further investigative
11 activities. At any time it is determined that additional
12 investigative activities are necessary for the safety of the
13 child, such activities shall be conducted.

14 (10)(a) For each report that meets one or more of the
15 following criteria, the department shall perform an enhanced
16 onsite child protective investigation:

17 1. Any allegation that involves physical abuse, sexual
18 abuse, domestic violence, substance abuse or substance
19 exposure, medical neglect, a child younger than 3 years of
20 age, or a child who is disabled or lacks communication skills.

21 2. Any report that involves an individual who has been
22 the subject of a prior report containing some indicators or
23 verified findings of abuse, neglect, or abandonment.

24 3. Any report that does not contain compelling
25 evidence that the maltreatment did not occur.

26 4. Any report that does not meet the criteria for an
27 onsite child protective investigation as set forth in
28 subsection (9).

29 (b) The enhanced onsite child protective investigation
30 shall include, but is not limited to:

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1 1. A face-to-face interview with the child, other
2 siblings, parents or legal custodians or caregivers, and other
3 adults in the household;

4 2. Collateral contacts;

5 3. Contact with the reporter as required by rule;

6 4. An onsite assessment of the child's residence in
7 accordance with subsection (9)(b); and

8 5. An updated assessment.

9
10 Detailed documentation is required for the investigative
11 activities.

12 (11) The department shall incorporate into its quality
13 assurance program the monitoring of the determination of
14 reports that receive an onsite child protective investigation
15 and those that receive an enhanced onsite child protective
16 investigation.

17 Section 3. Subsection (1) of section 39.302, Florida
18 Statutes, is amended to read:

19 39.302 Protective investigations of institutional
20 child abuse, abandonment, or neglect.--

21 (1) The department shall conduct a child protective
22 investigation of each report of institutional child abuse,
23 abandonment, or neglect. Upon receipt of a report ~~that~~ which
24 alleges that an employee or agent of the department, or any
25 other entity or person covered by s. 39.01(31) or (47), acting
26 in an official capacity, has committed an act of child abuse,
27 abandonment, or neglect, the department shall ~~immediately~~
28 initiate a child protective investigation within the timeframe
29 established by the central abuse hotline pursuant to s.
30 39.201(5)and orally notify the appropriate state attorney,
31 law enforcement agency, and licensing agency. These agencies

1 shall immediately conduct a joint investigation, unless
2 independent investigations are more feasible. When conducting
3 investigations onsite or having face-to-face interviews with
4 the child, such investigation visits shall be unannounced
5 unless it is determined by the department or its agent that
6 such unannounced visits would threaten the safety of the
7 child. When a facility is exempt from licensing, the
8 department shall inform the owner or operator of the facility
9 of the report. Each agency conducting a joint investigation
10 shall be entitled to full access to the information gathered
11 by the department in the course of the investigation. A
12 protective investigation must include an onsite visit of the
13 child's place of residence. In all cases, the department shall
14 make a full written report to the state attorney within 3
15 working days after making the oral report. A criminal
16 investigation shall be coordinated, whenever possible, with
17 the child protective investigation of the department. Any
18 interested person who has information regarding the offenses
19 described in this subsection may forward a statement to the
20 state attorney as to whether prosecution is warranted and
21 appropriate. Within 15 days after the completion of the
22 investigation, the state attorney shall report the findings to
23 the department and shall include in such report a
24 determination of whether or not prosecution is justified and
25 appropriate in view of the circumstances of the specific case.

26 Section 4. Subsection (1) of section 39.307, Florida
27 Statutes, is amended to read:

28 39.307 Reports of child-on-child sexual abuse.--

29 (1) Upon receiving a report alleging juvenile sexual
30 abuse as defined in s. 39.01(7)~~s. 39.01(7)(b)~~, the department
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1 shall assist the family in receiving appropriate services to
2 address the allegations of the report.

3 Section 5. Section 39.823, Florida Statutes, is
4 amended to read:

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

19 Section 6. Subsection (2) of section 414.065, Florida
20 Statutes, is amended to read:

21 414.065 Noncompliance with work requirements.--

22 (2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR
23 CHILDREN; PROTECTIVE PAYEES.--

24 (a) Upon the second or third occurrence of
25 noncompliance, temporary cash assistance and food stamps for
26 the child or children in a family who are under age 16 may be
27 continued. Any such payments must be made through a protective
28 payee or, in the case of food stamps, through an authorized
29 representative. Under no circumstances shall temporary cash
30 assistance or food stamps be paid to an individual who has
31 failed to comply with program requirements.

1 (b) Protective payees shall be designated by the
2 department and may include:

3 1. A relative or other individual who is interested in
4 or concerned with the welfare of the child or children and
5 agrees in writing to utilize the assistance in the best
6 interest of the child or children.

7 2. A member of the community affiliated with a
8 religious, community, neighborhood, or charitable organization
9 who agrees in writing to utilize the assistance in the best
10 interest of the child or children.

11 3. A volunteer or member of an organization who agrees
12 in writing to fulfill the role of protective payee and to
13 utilize the assistance in the best interest of the child or
14 children.

15 (c) The protective payee designated by the department
16 shall be the authorized representative for purposes of
17 receiving food stamps on behalf of a child or children under
18 age 16. The authorized representative must agree in writing to
19 use the food stamps in the best interest of the child or
20 children.

21 (d) If it is in the best interest of the child or
22 children, as determined by the department, for the staff
23 member of a private agency, a public agency, the department,
24 or any other appropriate organization to serve as a protective
25 payee or authorized representative, such designation may be
26 made, except that a protective payee or authorized
27 representative must not be any individual involved in
28 determining eligibility for temporary cash assistance or food
29 stamps for the family, staff handling any fiscal processes
30 related to issuance of temporary cash assistance or food
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1 stamps, or landlords, grocers, or vendors of goods, services,
2 or items dealing directly with the participant.

3 (e) The department may pay incidental expenses or
4 travel expenses for costs directly related to performance of
5 the duties of a protective payee as necessary to implement the
6 provisions of this subsection.

7 ~~(f) If the department is unable to designate a~~
8 ~~qualified protective payee or authorized representative, a~~
9 ~~referral shall be made under the provisions of chapter 39 for~~
10 ~~protective intervention.~~

11 Section 7. (1) The Department of Children and Family
12 Services shall establish a Protective Investigator Retention
13 Workgroup to examine the following issues and develop plans
14 for necessary actions as set forth for each issue:

15 (a) Examine the feasibility of an alternative response
16 system for responding to low-risk abuse and neglect reports,
17 design and describe in detail the alternative response system
18 that would best serve this state, and, if determined viable,
19 develop a plan for implementing the system;

20 (b) Examine and develop a plan for an investigative
21 process that provides for different levels of investigative
22 activities based on the level of severity of risk and
23 probability of continued or increased abuse and neglect;

24 (c) Examine and make recommendations regarding how
25 institutional child abuse in facilities of the Department of
26 Juvenile Justice should be handled, including the protection
27 against abuse which should be afforded children in those
28 facilities, the entity or entities that should be responsible
29 for conducting the investigations, the penalties or sanctions
30 that should be imposed, a means of providing for the

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1 independence of investigations, and how the recommendations
2 will ensure the protection of children;

3 (d) Examine the results of the Florida State
4 University protective investigators' task analysis study to
5 determine how to make the child protective investigation
6 process more efficient, including, but not limited to,
7 identifying the tasks that are necessary for an effective
8 protective investigation process, streamlining of forms, and
9 identifying the tasks that should be performed by other
10 positions;

11 (e) Examine and develop a plan for building
12 communication and involvement in decisionmaking with front
13 line staff and for promoting nonmonetary recognition;

14 (f) Examine and make recommendations regarding the
15 minimum appropriate education and work experience desirable
16 for protective investigators and protective investigator
17 supervisors; and

18 (g) Examine and develop a plan for the training needed
19 to adequately prepare protective investigators for the job,
20 including, but not limited to, identifying the training that
21 is applicable statewide and that is specific to each district,
22 identifying instruction that is appropriate for classroom
23 training and that would be more effective through some form of
24 structured field or on-the-job training, strengthening the
25 structured field or on-the-job training, estimating the cost
26 of strengthening the structured field or on-the-job training,
27 and setting forth a 3-year implementation plan for phasing in
28 any identified expansion to the training program.

29 (2) The department shall include as members of the
30 workgroup protective investigators, protective investigative
31 supervisors, representatives from at least two of the

1 sheriffs' offices conducting this function on the effective
2 date of this act, and at least two individuals outside the
3 department who have expertise in other states' child
4 protection systems.

5 (3) Advisory groups may be used to conduct the
6 examinations and develop the specified plans. The department
7 is encouraged to use individuals and entities having knowledge
8 and experience in the issues from outside the department on
9 these advisory groups such as representatives having
10 experience in domestic violence programs and services. The
11 following representation shall be included on either the
12 advisory group or workgroup examining the issue:

13 (a) Representatives from the Department of Juvenile
14 Justice and the Statewide Advocacy Council for the examination
15 of institutional child abuse in Department of Juvenile Justice
16 facilities;

17 (b) Representatives from the child welfare training
18 academies for examination of the training needed to adequately
19 prepare protective investigators;

20 (c) Representatives having experience from Florida's
21 Family Services Response System and from the Neighborhood
22 Partnerships for the Protection of Children for the
23 examination of the feasibility of an alternative response
24 system; and

25 (d) Representatives from the Behavior Analysis
26 Services Program for examination of the development of an
27 investigative process that provides different levels of
28 investigative activities.

29 (e) Representatives from each of the sheriffs' offices
30 conducting child protective investigations on the effective
31 date of this act for the examination of the feasibility of an

1 alternative response system and the examination of the
2 development of an investigative process that provides
3 different levels of investigative activities.

4 (4) The Protective Investigators' Retention Workgroup
5 shall ensure that each of the examinations is conducted with
6 the necessary sharing of information and results to prevent
7 the development of plans that are incompatible with each other
8 or inconsistent with the statutory framework provided and
9 desired for child protection.

10 (5) A report of the results of each of the
11 examinations and plans developed shall be submitted to the
12 President of the Senate, the Speaker of the House of
13 Representatives, and the Governor by December 31, 2003.

14 Section 8. The Legislature finds that there is
15 evidence suggesting a link between the availability of certain
16 services to families in the child protective system and the
17 workload and turnover of protective investigators. Families
18 being investigated for child abuse may be remaining in the
19 investigation process longer or returning through the child
20 protective system due to certain services not being available
21 for the families, increasing the number of families requiring
22 subsequent investigations. Therefore, the Office of Program
23 Policy Analysis and Government Accountability is directed to
24 conduct a study of the impact that the availability of
25 services to families has on the protective investigators'
26 workload and turnover and on the subsequent reports of abuse
27 in the families and to identify those specific services that
28 would address the immediate needs of families involved in a
29 child protective investigation process and those services that
30 would be most likely to prevent the families' return into the
31 child protection system. A report of the results of the study

1 shall be submitted to the President of the Senate, the Speaker
2 of the House of Representatives, and the Governor by December
3 31, 2003.

4 Section 9. (1) The Department of Children and Family
5 Services shall submit a report to the Senate Committee on
6 Children and Families and House Committee on the Future of
7 Florida's Families on the status of the implementation of the
8 new investigation process, the identification of emerging
9 benefits or problems, and, if determined necessary, any
10 recommendations for modifications by December 31, 2003.

11 (b) A quality assurance review of the reports
12 receiving an onsite child protective investigation pursuant to
13 section 39.301(9), Florida Statutes, shall be conducted to
14 examine the accuracy of the determinations not to use the
15 enhanced process, the recurrence of abuse to determine whether
16 there is an unacceptable risk to the families in not using the
17 enhanced process, and whether the intended efficacy in the
18 workload management is achieved by this new process. The
19 Department of Children and Family Services shall conduct this
20 quality assurance review for the department's protective
21 investigative units. For the sheriffs' offices conducting
22 child protective investigations, this quality assurance review
23 shall be incorporated into the program performance evaluation
24 conducted pursuant to section 39.3065(3)(d), Florida Statutes.
25 A report on the results of the quality assurance review shall
26 be submitted to the Governor, the President of the Senate, and
27 the Speaker of the House of Representatives by December 31,
28 2004.

29 Section 10. Notwithstanding chapter 216, Florida
30 Statutes, to the contrary and for the 2003-2004 fiscal year
31 only, the Department of Children and Family Services may not

1 amend the approved operating budget in a manner that decreases
2 the funding and positions appropriated for additional
3 protective investigator positions and the costs related to
4 those positions without the approval of the Legislative Budget
5 Commission.

6 Section 11. The Department of Children and Family
7 Services, in collaboration with the sheriffs' offices, shall
8 develop guidelines for conducting an onsite child protective
9 investigation that specifically does not require the
10 additional activities required by the department and for
11 conducting an enhanced child protective investigation,
12 including determining whether compelling evidence exists that
13 no maltreatment occurred, conducting collateral contacts,
14 contacting the reporter, updating the risk assessment, and
15 providing for differential levels of documentation between an
16 onsite and an enhanced onsite child protective investigation.

17 Section 12. This act shall take effect upon becoming a
18 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1442

4 Clarifies the directive to the Department of Children and
5 Families to proceed with an assessment for child-on-child
sexual abuse reports.

6 Stipulates that prior reports of an adult in the home where
7 the adult was a victim of abuse as a child does not exclude
8 the report from the onsite child protective investigation
process.

9 Stipulates that for reports to be accepted for an onsite child
10 protective investigation process where the incidents of abuse
occurred 2 or more years prior to reporting, there must not be
any other indicators of risk to any child in the home.

11 Clarifies that the required face-to-face interview with the
12 parent applies to the legal custodian or caregiver, when
appropriate.

13 Deletes the requirement that the Department of Children and
14 Families develop rules for conducting the onsite and enhanced
child protective investigation process.

15 Conforms the language regarding the groups of juvenile sexual
16 offenders to whom the process for responding to child-on-child
sexual abuse reports applies to other sections of the
statutes.

17 Requires two individuals outside the Department of Children
18 and Families with expertise in other states' child protection
19 systems to participate in the Protective Investigator
Retention Workgroup.

20 Requires representatives from each of the sheriffs' offices
21 for certain examinations being conducted by the Protective
Investigator Retention Workgroup.

22 Requires that the desired framework for child protection be
23 considered in the examinations by the Protective Investigator
Retention Workgroup.

24 Identifies additional aspects to be examined in the quality
25 assurance review.

26 Provides that the quality assurance review for the areas
27 covered by the sheriffs' offices be incorporated into the
annual program performance evaluation of the sheriffs' child
protection programs.

28 Provides for the focus of the interim quality assurance review
29 report to the Legislature.

30 Stipulates the specific chapter of the Florida Statutes that
31 does not apply in prohibiting the Department of Children and
Families from shifting positions from protective
investigations and permits such shifting if approved by the
Legislative Budget Commission.

1 Directs the Department of Children and Families to develop
2 guidelines for conducting the onsite and enhanced child
3 protection investigation process in collaboration with the
4 sheriff's office.
5 Clarifies that all persons, not just the professionals
6 identified in statute, are mandated reporters by removing the
7 list of professionals from the requirement to report provision
8 and listing these professionals instead in the provision
9 requiring the reporter to provide their name which is
10 currently in law.
11 Reorganizes the statutory provisions to provide for all
12 requirements regarding the responsibility to report in one
13 subsection.
14 Directs the hotline not to accept reports where the occurrence
15 of the abuse, the residence of the child, and the location of
16 the alleged perpetrator are all out of state but requires that
17 the information from the report be transferred to the
18 appropriate state.
19 Retains the face-to-face interview with the other adults in
20 the household for the first tiered child protective
21 investigation process.
22 Clarifies that the preliminary report on the implementation of
23 the new investigation process is a programmatic report and is
24 separate from the quality assurance review.
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