

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 a study by the Office of
22 Program Policy Analysis and Government
23 Accountability concerning the availability of
24 services and a report; requiring the Department
25 of Children and Family Services to conduct a
26 quality assurance review of child abuse reports
27 that are subject to an onsite child protective
28 investigation; requiring the quality assurance
29 review of sheriffs' offices conducting child
30 protective investigations to be incorporated
31 into their program performance evaluation;

1 requiring a report to the Legislature;
2 prohibiting the amendment of the approved
3 operating budget to reduce protective
4 investigative positions; requiring the
5 Department of Children and Family Services to
6 develop guidelines for conducting onsite and
7 enhanced child protection investigations in
8 collaboration with the sheriffs' offices;
9 providing an effective date.

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

12
13 Section 1. Subsections (1), (2), (7), and (8) 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 (1)(a) Any person, ~~including, but not limited to, any:~~
19 ~~(a) Physician, osteopathic physician, medical~~
20 ~~examiner, chiropractic physician, nurse, or hospital personnel~~
21 ~~engaged in the admission, examination, care, or treatment of~~
22 ~~persons;~~

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

25 ~~(c) Practitioner who relies solely on spiritual means~~
26 ~~for healing;~~

27 ~~(d) School teacher or other school official or~~
28 ~~personnel;~~

29 ~~(e) Social worker, day care center worker, or other~~
30 ~~professional child care, foster care, residential, or~~
31 ~~institutional worker;~~

1 ~~(f) Law enforcement officer; or~~
2 ~~(g) Judge,~~ who knows, or has reasonable cause to
3 suspect, that a child is abused, abandoned, or neglected by a
4 parent, legal custodian, caregiver, or other person
5 responsible for the child's welfare, as defined in this
6 chapter, shall report such knowledge or suspicion to the
7 department in the manner prescribed in subsection (2).

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

10 1. Physician, osteopathic physician, medical examiner,
11 chiropractic physician, nurse, or hospital personnel engaged
12 in the admission, examination, care, or treatment of persons;

13 2. Health or mental health professional other than one
14 listed in subparagraph 1.;

15 3. Practitioner who relies solely on spiritual means
16 for healing;

17 4. School teacher or other school official or
18 personnel;

19 5. Social worker, day care center worker, or other
20 professional child care, foster care, residential, or
21 institutional worker;

22 6. Law enforcement officer; or

23 7. Judge.

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

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

1 the central abuse hotline the abuse, abandonment, or neglect
2 that was the subject of the referral for treatment.

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

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

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

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1 accepted for the protective investigation pursuant to part III
2 of this chapter., ~~and,~~

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

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

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

28 ~~(b) The department must consider valid and accept for~~
29 ~~investigation any report received by the central abuse hotline~~
30 ~~from a judge, teacher or other professional school official,~~
31 ~~or physician, as specified in paragraph (1)(a), paragraph~~

1 ~~(1)(d), or paragraph (1)(g), who is acting in his or her~~
2 ~~professional capacity, alleging harm as defined in s. 39.01.~~

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

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

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

14 1. The department shall determine the age of the
15 alleged juvenile sexual offender if known.

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

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

1 written report to the appropriate county sheriff's office
2 within 48 hours after the initial report to the central abuse
3 hotline.

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

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

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

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

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

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

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

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

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

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

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

19 39.301 Initiation of protective investigations.--

20 (9)(a) For each report received that meets one or more
21 of the following criteria it receives, the department or the
22 sheriff providing child protective investigative services
23 under s. 39.3065, shall perform an onsite child protective
24 investigation:

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

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

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

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

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

26 2.(b) Determine whether there is indication that any
27 child in the family or household has been abused, abandoned,
28 or neglected; the nature and extent of present or prior
29 injuries, abuse, or neglect, and any evidence thereof; and a
30 determination as to the person or persons apparently
31 responsible for the abuse, abandonment, or neglect, including

1 the name, address, date of birth, social security number, sex,
2 and race of each such person.

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

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

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

25 6.(f) Determine the protective, treatment, and
26 ameliorative services necessary to safeguard and ensure the
27 child's safety and well-being and development, and cause the
28 delivery of those services through the early intervention of
29 the department or its agent. The training provided to staff
30 members who conduct child protective investigations must
31 include instruction on how and when to use the injunction

1 process under s. 39.504 or s. 741.30 to remove a perpetrator
2 of domestic violence from the home as an intervention to
3 protect the child.

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

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

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

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

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

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

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

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

- 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, the Florida Juvenile Justice Association, and the
15 Statewide Advocacy Council for the examination of
16 institutional child abuse in Department of Juvenile Justice
17 facilities;

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

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

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

30 (e) Representatives from each of the sheriffs' offices
31 conducting child protective investigations on the effective

1 date of this act for the examination of the feasibility of an
2 alternative response system and the examination of the
3 development of an investigative process that provides
4 different levels of investigative activities.

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

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

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

1 child protection system. A report of the results of the study
2 shall be submitted to the President of the Senate, the Speaker
3 of the House of Representatives, and the Governor by December
4 31, 2003.

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

12 (b) A quality assurance review of the reports
13 receiving an onsite child protective investigation pursuant to
14 section 39.301(9), Florida Statutes, shall be conducted to
15 examine the accuracy of the determinations not to use the
16 enhanced process, the recurrence of abuse to determine whether
17 there is an unacceptable risk to the families in not using the
18 enhanced process, and whether the intended efficacy in the
19 workload management is achieved by this new process. The
20 Department of Children and Family Services shall conduct this
21 quality assurance review for the department's protective
22 investigative units. For the sheriffs' offices conducting
23 child protective investigations, this quality assurance review
24 shall be incorporated into the program performance evaluation
25 conducted pursuant to section 39.3065(3)(d), Florida Statutes.
26 A report on the results of the quality assurance review shall
27 be submitted to the Governor, the President of the Senate, and
28 the Speaker of the House of Representatives by December 31,
29 2004.

30 Section 10. Notwithstanding chapter 216, Florida
31 Statutes, to the contrary and for the 2003-2004 fiscal year

1 only, the Department of Children and Family Services may not
2 amend the approved operating budget in a manner that decreases
3 the funding and positions appropriated for additional
4 protective investigator positions and the costs related to
5 those positions without the approval of the Legislative Budget
6 Commission.

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

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