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1 A bill to be entitled

2 An act relating to child protective investigations;
3 amending s. 39.201, F.S.; clarifying provisions relating
4 to persons responsible for a child's welfare; requiring
5 personnel from the abuse hotline of the Department of
6 Children and Family Services to determine whether a report
7 meets the criteria for child abuse, neglect, or
8 abandonment; modifying the consideration given to
9 specified reporters; requiring the department to conduct
10 an assessment in response to certain reports involving
11 juvenile sexual offenders; providing that reports of out-
12 of-state abuse shall not be accepted by the central abuse
13 hotline but shall be transferred to the appropriate state;
14 procedures with respect to reports concerning certain
15 juvenile alleged sexual offenders; amending s. 39.301,
16 F.S.; providing for an onsite investigation process for
17 reports meeting specified criteria; requiring certain
18 additional contacts; requiring approval and documentation
19 that a report meets the criteria; providing that certain
20 reports are subject to an enhanced onsite child protective
21 investigation; providing criteria; providing requirements
22 for such investigations; requiring the department to
23 monitor the findings of the reports in its quality
24 assurance program; amending s. 39.302, F.S.; revising the
25 timeframe for responding to a report of institutional
26 child abuse; amending s. 39.307, F.S.; revising a cross
27 reference; amending s. 39.823, F.S., relating to guardian
28 advocates; conforming a cross reference to changes made by
29 the act; amending s. 414.065, F.S.; eliminating the
30 requirement for a referral for protection intervention;



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31 requiring the department to establish a Protective
32 Investigator Retention Workgroup; providing duties and
33 membership of the workgroup; authorizing use of advisory
34 groups; requiring a report to the Governor and Legislature
35 on the results of the examinations and plans developed;
36 requiring a study by the Office of Program Policy and
37 governmental Accountability concerning the availability of
38 services and a report; requiring the Department of
39 Children and Family Services to provide a report and
40 necessary recommendations to the Legislature on the status
41 of the implementation of the new investigation process and
42 its emerging benefits or problems; requiring the
43 department to conduct a quality assurance review of child
44 abuse reports that are subject to an onsite child
45 protective investigation; requiring the quality assurance
46 review of sheriffs' offices conducting child protective
47 investigations to be incorporated into their program
48 performance evaluation; requiring a report to the Governor
49 and Legislature; prohibiting the amendment of the approved
50 operating budget to reduce protective investigative
51 positions without approval of the Legislative Budget
52 Commission; requiring the department to develop guidelines
53 for conducting onsite and enhanced onsite child protection
54 investigations in collaboration with the sheriffs'
55 offices; providing an effective date.

56
57 Be It Enacted by the Legislature of the State of Florida:

58
59 Section 1. Subsections (1), (2), (7), and (8) of section
60 39.201, Florida Statutes, are amended to read:



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61 39.201 Mandatory reports of child abuse, abandonment, or
 62 neglect; mandatory reports of death; central abuse hotline.--

63 ~~(1)(a) Any person, including, but not limited to, any:~~

64 ~~(a) Physician, osteopathic physician, medical examiner,~~
 65 ~~chiropractic physician, nurse, or hospital personnel engaged in~~
 66 ~~the admission, examination, care, or treatment of persons;~~

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

69 ~~(c) Practitioner who relies solely on spiritual means for~~
 70 ~~healing;~~

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

72 ~~(e) Social worker, day care center worker, or other~~
 73 ~~professional child care, foster care, residential, or~~
 74 ~~institutional worker;~~

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

76 ~~(g) Judge,~~

77
 78 who knows, or has reasonable cause to suspect, that a child is
 79 abused, abandoned, or neglected by a parent, legal custodian,
 80 caregiver, or other person responsible for the child's welfare,
 81 as defined in this chapter, shall report such knowledge or
 82 suspicion to the department in the manner prescribed in
 83 subsection (2).

84 (b) Reporters in the following occupation categories are
 85 required to provide their names to the central abuse hotline
 86 staff:

87 1. Physician, osteopathic physician, medical examiner,
 88 chiropractic physician, nurse, or hospital personnel engaged in
 89 the admission, examination, care, or treatment of persons.

90 2. Health or mental health professional other than one



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91 listed in subparagraph 1.

92 3. Practitioner who relies solely on spiritual means for
 93 healing.

94 4. School teacher or other school official or personnel.

95 5. Social worker, day care center worker, or other
 96 professional child care, foster care, residential, or
 97 institutional worker.

98 6. Law enforcement officer.

99 7. Judge.

100

101 The names of reporters shall be entered into the record of the
 102 report but shall be held confidential and exempt as provided in
 103 s. 39.202.

104 (c) A professional who is hired by or enters into a
 105 contract with the department for the purpose of treating or
 106 counseling any person as a result of a report of child abuse,
 107 abandonment, or neglect is not required to again report to the
 108 central abuse hotline the abuse, abandonment, or neglect that
 109 was the subject of the referral for treatment.

110 (d) An officer or employee of the judicial branch is not
 111 required to again provide notice of reasonable cause to suspect
 112 child abuse, abandonment, or neglect when that child is
 113 currently being investigated by the department, there is an
 114 existing dependency case, or the matter has previously been
 115 reported to the department, provided there is reasonable cause
 116 to believe the information is already known to the department.
 117 This paragraph applies only when the information has been
 118 provided to the officer or employee in the course of carrying
 119 out his or her official duties.



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120 (e) Nothing in this chapter or in the contracting with
 121 community-based care providers for foster care and related
 122 services as specified in s. 409.1671 shall be construed to
 123 remove or reduce the duty and responsibility of any person,
 124 including any employee of the community-based care provider, to
 125 report a suspected or actual case of child abuse, abandonment,
 126 or neglect or the sexual abuse of a child to the department's
 127 central abuse hotline.

128 (2)(a) Each report of known or suspected child abuse,
 129 abandonment, or neglect by a parent, legal custodian, caregiver,
 130 or other person responsible for the child's welfare, as defined
 131 in this chapter pursuant to this section, except those solely
 132 under s. 827.04(3), shall be made immediately to the
 133 department's central abuse hotline on the single statewide toll-
 134 free telephone number. Personnel at the department's central
 135 abuse hotline shall determine whether the report received meets
 136 the statutory definition of child abuse, abandonment, or
 137 neglect. Any report meeting one of these definitions shall be
 138 accepted for the protective investigation pursuant to part III
 139 of this chapter., and,

140 (b) If the report is of an instance of known or suspected
 141 child abuse by someone other than a parent, legal custodian,
 142 caregiver, or other person responsible for the child's welfare
 143 as defined in this chapter a noncaretaker, the call shall be
 144 immediately electronically transferred to the appropriate county
 145 sheriff's office by the central abuse hotline.

146 (c) If the report is of an instance of known or suspected
 147 child abuse, abandonment, or neglect that occurred out of state
 148 and the alleged perpetrator and the child alleged to be a victim
 149 live out of state, the central abuse hotline shall not accept



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150 the call for investigation but shall transfer the information on
151 the report to the appropriate state.

152 (d) If the report is of an instance of known or suspected
153 child abuse involving impregnation of a child under 16 years of
154 age by a person 21 years of age or older solely under s.
155 827.04(3), the report shall be made immediately to the
156 appropriate county sheriff's office or other appropriate law
157 enforcement agency. If the report is of an instance of known or
158 suspected child abuse solely under s. 827.04(3), the reporting
159 provisions of this subsection do not apply to health care
160 professionals or other persons who provide medical or counseling
161 services to pregnant children when such reporting would
162 interfere with the provision of medical services.

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

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

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

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



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179 1. The department shall determine the age of the alleged
180 juvenile sexual offender if known.

181 2. When the alleged juvenile sexual offender is 12 years
182 of age or younger, the central abuse hotline shall immediately
183 electronically transfer the call to the appropriate law
184 enforcement agency office. The department shall conduct an
185 assessment and assist the family in receiving appropriate
186 services pursuant to s. 39.307 ~~proceed with an investigation of~~
187 ~~the report pursuant to this part, immediately electronically~~
188 ~~transfer the call to the appropriate law enforcement agency~~
189 ~~office by the central abuse hotline,~~ and send a written report
190 of the allegation to the appropriate county sheriff's office
191 within 48 hours after the initial report is made to the central
192 abuse hotline.

193 3. When the alleged juvenile sexual offender is 13 years
194 of age or older, the department shall immediately electronically
195 transfer the call to the appropriate county sheriff's office by
196 the central abuse hotline, and send a written report to the
197 appropriate county sheriff's office within 48 hours after the
198 initial report to the central abuse hotline.

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

202 1. If the report is of an abandoned newborn infant as
203 described in s. 383.50 and there is no indication of abuse,
204 neglect, or abandonment other than that necessarily entailed in
205 the infant having been left at a hospital, emergency medical
206 services station, or fire station, the department shall provide
207 to the caller the name of a licensed child-placing agency on a
208 rotating basis from a list of licensed child-placing agencies



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209 eligible and required to accept physical custody of and to place
210 newborn infants left at a hospital, emergency medical services
211 station, or fire station. The report shall not be considered a
212 report of abuse, neglect, or abandonment solely because the
213 infant has been left at a hospital, emergency medical services
214 station, or fire station pursuant to s. 383.50.

215 2. If the caller reports indications of abuse or neglect
216 beyond that necessarily entailed in the infant having been left
217 at a hospital, emergency medical services station, or fire
218 station, the report shall be considered as a report of abuse,
219 neglect, or abandonment and shall be subject to the requirements
220 of s. 39.395 and all other relevant provisions of this chapter,
221 notwithstanding any provisions of chapter 383.

222 ~~(h)(g)~~ Hotline counselors shall receive periodic training
223 in encouraging reporters to provide their names when reporting
224 abuse, abandonment, or neglect. Callers shall be advised of the
225 confidentiality provisions of s. 39.202. The department shall
226 secure and install electronic equipment that automatically
227 provides to the hotline the number from which the call is
228 placed. This number shall be entered into the report of abuse,
229 abandonment, or neglect and become a part of the record of the
230 report, but shall enjoy the same confidentiality as provided to
231 the identity of the caller pursuant to s. 39.202.

232 ~~(i)(h)~~ The department shall voice-record all incoming or
233 outgoing calls that are received or placed by the central abuse
234 hotline which relate to suspected or known child abuse, neglect,
235 or abandonment. The recording shall become a part of the record
236 of the report but, notwithstanding s. 39.202, shall be released
237 in full only to law enforcement agencies and state attorneys for
238 the purpose of investigating and prosecuting criminal charges



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239 pursuant to s. 39.205, or to employees of the department for the
240 purpose of investigating and seeking administrative penalties
241 pursuant to s. 39.206. Nothing in this paragraph shall prohibit
242 the use of the recordings by hotline staff for quality assurance
243 and training.

244 ~~(7)(a) This section does not require a professional who is~~
245 ~~hired by or enters into a contract with the department for the~~
246 ~~purpose of treating or counseling any person, as a result of a~~
247 ~~report of child abuse, abandonment, or neglect, to again report~~
248 ~~to the central abuse hotline the abuse, abandonment, or neglect~~
249 ~~that was the subject of the referral for treatment.~~

250 ~~(b) This section does not require an officer or employee~~
251 ~~of the judicial branch to again provide notice of reasonable~~
252 ~~cause to suspect child abuse, abandonment, or neglect when that~~
253 ~~child is currently being investigated by the department, there~~
254 ~~is an existing dependency case, or the matter has previously~~
255 ~~been reported to the department, provided there is reasonable~~
256 ~~cause to believe the information is already known to the~~
257 ~~department. This paragraph applies only when the information has~~
258 ~~been provided to the officer or employee in the course of~~
259 ~~official duties.~~

260 ~~(8) Nothing in this chapter or in the contracting with~~
261 ~~community-based care providers for foster care and related~~
262 ~~services as specified in s. 409.1671 shall be construed to~~
263 ~~remove or reduce the duty and responsibility of any person,~~
264 ~~including any employee of the community-based care provider, to~~
265 ~~report a suspected or actual case of child abuse, abandonment,~~
266 ~~or neglect or the sexual abuse of a child to the department's~~
267 ~~central abuse hotline.~~



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268 Section 2. Subsections (10) through (19) of section
269 39.301, Florida Statutes, are renumbered as subsections (12)
270 through (21), respectively, subsection (9) of said section is
271 amended, and new subsections (10) and (11) are added to said
272 section, to read:

273 39.301 Initiation of protective investigations.--

274 (9)(a) For each report received that meets one or more of
275 the following criteria it receives, the department or the
276 sheriff providing child protective investigative services under
277 s. 39.3065 shall perform an onsite child protective
278 investigation:

279 1. A report for which there is obvious compelling evidence
280 that no maltreatment occurred and there are no prior reports
281 containing some indicators or verified findings of abuse or
282 neglect with respect to any subject of the report or other
283 individuals in the home. A prior report in which an adult in the
284 home was a victim of abuse or neglect before becoming an adult
285 does not exclude a report otherwise meeting the criteria of this
286 subparagraph from the onsite child protective investigation
287 provided for in this paragraph. The process for an onsite child
288 protective investigation stipulated in this subsection may not
289 be conducted if an allegation meeting the criteria of this
290 subparagraph involves physical abuse, sexual abuse, domestic
291 violence, substance abuse or substance exposure, medical
292 neglect, a child younger than 3 years of age, or a child who is
293 disabled or lacks communication skills.

294 2. A report concerning an incident of abuse that is
295 alleged to have occurred 2 or more years prior to the date of
296 the report and there are no other indicators of risk to any
297 child in the home.



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298 (b) The onsite child protective investigation to be
299 performed shall include ~~that includes~~ a face-to-face interview
300 with the child; ~~7~~ other siblings; ~~7~~ parents, legal custodians, or
301 caregivers; and other adults in the household and an onsite
302 assessment of the child's residence in order to:

303 1.(a) Determine the composition of the family or
304 household, including the name, address, date of birth, social
305 security number, sex, and race of each child named in the
306 report; any siblings or other children in the same household or
307 in the care of the same adults; the parents, legal custodians,
308 or caregivers; and any other adults in the same household.

309 2.(b) Determine whether there is indication that any child
310 in the family or household has been abused, abandoned, or
311 neglected; the nature and extent of present or prior injuries,
312 abuse, or neglect, and any evidence thereof; and a determination
313 as to the person or persons apparently responsible for the
314 abuse, abandonment, or neglect, including the name, address,
315 date of birth, social security number, sex, and race of each
316 such person.

317 3.(e) Determine the immediate and long-term risk to each
318 child by conducting state and federal records checks, including,
319 when feasible, the records of the Department of Corrections, on
320 the parents, legal custodians, or caregivers, and any other
321 persons in the same household. This information shall be used
322 solely for purposes supporting the detection, apprehension,
323 prosecution, pretrial release, posttrial release, or
324 rehabilitation of criminal offenders or persons accused of the
325 crimes of child abuse, abandonment, or neglect and shall not be
326 further disseminated or used for any other purpose. The
327 department's child protection investigators are hereby



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328 designated a criminal justice agency for the purpose of
329 accessing criminal justice information to be used for enforcing
330 this state's laws concerning the crimes of child abuse,
331 abandonment, and neglect.

332 ~~4.(d)~~ Determine the immediate and long-term risk to each
333 child through utilization of standardized risk assessment
334 instruments.

335 ~~5.(e)~~ Based on the information obtained from available
336 sources, complete the risk assessment instrument within 48 hours
337 after the initial contact and, if needed, develop a case plan.

338 ~~6.(f)~~ Determine the protective, treatment, and
339 ameliorative services necessary to safeguard and ensure the
340 child's safety and well-being and development, and cause the
341 delivery of those services through the early intervention of the
342 department or its agent. The training provided to staff members
343 who conduct child protective investigations must include
344 instruction on how and when to use the injunction process under
345 s. 39.504 or s. 741.30 to remove a perpetrator of domestic
346 violence from the home as an intervention to protect the child.

347 (c) The determination that a report requires an
348 investigation as provided in this subsection and does not
349 require an enhanced onsite child protective investigation
350 pursuant to subsection (10) must be approved in writing by the
351 supervisor with documentation specifying why additional
352 investigative activities are not necessary.

353 (d) A report that meets the criteria specified in this
354 subsection is not precluded from further investigative
355 activities. At any time it is determined that additional
356 investigative activities are necessary for the safety of the
357 child, such activities shall be conducted.



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

361 1. Any allegation that involves physical abuse, sexual
 362 abuse, domestic violence, substance abuse or substance exposure,
 363 medical neglect, a child younger than 3 years of age, or a child
 364 who is disabled or lacks communication skills.

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

368 3. Any report that does not contain compelling evidence
 369 that the maltreatment did not occur.

370 4. Any report that does not meet the criteria for an
 371 onsite child protective investigation as set forth in subsection
 372 (9).

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

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

378 2. Collateral contacts;

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

380 4. An onsite assessment of the child's residence in
 381 accordance with paragraph (9)(b); and

382 5. An updated assessment.

383
 384 Detailed documentation is required for the investigative
 385 activities.

386 (11) The department shall incorporate into its quality
 387 assurance program the monitoring of the determination of reports



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388 that require an onsite child protective investigation and those
 389 that require an enhanced onsite child protective investigation.

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

392 39.302 Protective investigations of institutional child
 393 abuse, abandonment, or neglect.--

394 (1) The department shall conduct a child protective
 395 investigation of each report of institutional child abuse,
 396 abandonment, or neglect. Upon receipt of a report that ~~which~~
 397 alleges that an employee or agent of the department, or any
 398 other entity or person covered by s. 39.01(31) or (47), acting
 399 in an official capacity, has committed an act of child abuse,
 400 abandonment, or neglect, the department shall ~~immediately~~
 401 initiate a child protective investigation within the timeframe
 402 established by the central abuse hotline pursuant to s.
 403 39.201(5) and orally notify the appropriate state attorney, law
 404 enforcement agency, and licensing agency. These agencies shall
 405 immediately conduct a joint investigation, unless independent
 406 investigations are more feasible. When conducting investigations
 407 onsite or having face-to-face interviews with the child, such
 408 investigation visits shall be unannounced unless it is
 409 determined by the department or its agent that such unannounced
 410 visits would threaten the safety of the child. When a facility
 411 is exempt from licensing, the department shall inform the owner
 412 or operator of the facility of the report. Each agency
 413 conducting a joint investigation shall be entitled to full
 414 access to the information gathered by the department in the
 415 course of the investigation. A protective investigation must
 416 include an onsite visit of the child's place of residence. In
 417 all cases, the department shall make a full written report to



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418 the state attorney within 3 working days after making the oral
419 report. A criminal investigation shall be coordinated, whenever
420 possible, with the child protective investigation of the
421 department. Any interested person who has information regarding
422 the offenses described in this subsection may forward a
423 statement to the state attorney as to whether prosecution is
424 warranted and appropriate. Within 15 days after the completion
425 of the investigation, the state attorney shall report the
426 findings to the department and shall include in such report a
427 determination of whether or not prosecution is justified and
428 appropriate in view of the circumstances of the specific case.

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

431 39.307 Reports of child-on-child sexual abuse.--

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

436 Section 5. Section 39.823, Florida Statutes, is amended to
437 read:

438 39.823 Guardian advocates for drug dependent
439 newborns.--The Legislature finds that increasing numbers of drug
440 dependent children are born in this state. Because of the
441 parents' continued dependence upon drugs, the parents may
442 temporarily leave their child with a relative or other adult or
443 may have agreed to voluntary family services under s.
444 39.301(14)(~~12~~). The relative or other adult may be left with a
445 child who is likely to require medical treatment but for whom
446 they are unable to obtain medical treatment. The purpose of this
447 section is to provide an expeditious method for such relatives



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448 or other responsible adults to obtain a court order which allows
449 them to provide consent for medical treatment and otherwise
450 advocate for the needs of the child and to provide court review
451 of such authorization.

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

454 414.065 Noncompliance with work requirements.--

455 (2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR
456 CHILDREN; PROTECTIVE PAYEES.--

457 (a) Upon the second or third occurrence of noncompliance,
458 temporary cash assistance and food stamps for the child or
459 children in a family who are under age 16 may be continued. Any
460 such payments must be made through a protective payee or, in the
461 case of food stamps, through an authorized representative. Under
462 no circumstances shall temporary cash assistance or food stamps
463 be paid to an individual who has failed to comply with program
464 requirements.

465 (b) Protective payees shall be designated by the
466 department and may include:

467 1. A relative or other individual who is interested in or
468 concerned with the welfare of the child or children and agrees
469 in writing to utilize the assistance in the best interest of the
470 child or children.

471 2. A member of the community affiliated with a religious,
472 community, neighborhood, or charitable organization who agrees
473 in writing to utilize the assistance in the best interest of the
474 child or children.

475 3. A volunteer or member of an organization who agrees in
476 writing to fulfill the role of protective payee and to utilize
477 the assistance in the best interest of the child or children.



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478 (c) The protective payee designated by the department
479 shall be the authorized representative for purposes of receiving
480 food stamps on behalf of a child or children under age 16. The
481 authorized representative must agree in writing to use the food
482 stamps in the best interest of the child or children.

483 (d) If it is in the best interest of the child or
484 children, as determined by the department, for the staff member
485 of a private agency, a public agency, the department, or any
486 other appropriate organization to serve as a protective payee or
487 authorized representative, such designation may be made, except
488 that a protective payee or authorized representative must not be
489 any individual involved in determining eligibility for temporary
490 cash assistance or food stamps for the family, staff handling
491 any fiscal processes related to issuance of temporary cash
492 assistance or food stamps, or landlords, grocers, or vendors of
493 goods, services, or items dealing directly with the participant.

494 (e) The department may pay incidental expenses or travel
495 expenses for costs directly related to performance of the duties
496 of a protective payee as necessary to implement the provisions
497 of this subsection.

498 ~~(f) If the department is unable to designate a qualified~~
499 ~~protective payee or authorized representative, a referral shall~~
500 ~~be made under the provisions of chapter 39 for protective~~
501 ~~intervention.~~

502 Section 7. (1) The Department of Children and Family
503 Services shall establish a Protective Investigator Retention
504 Workgroup. The duties of the workgroup shall be to:

505 (a) Examine the feasibility of an alternative response
506 system for responding to low-risk abuse or neglect reports,
507 design and describe in detail the alternative response system



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508 that would best serve this state, and, if determined viable,
509 develop a plan for implementing the system.

510 (b) Examine and develop a plan for an investigative
511 process that provides for different levels of investigative
512 activities based on the level of severity of risk and
513 probability of continued or increased abuse or neglect.

514 (c) Examine and make recommendations regarding how
515 institutional child abuse in facilities of the Department of
516 Juvenile Justice should be handled, including the protection
517 against abuse which should be afforded children in those
518 facilities, the entity or entities that should be responsible
519 for conducting the investigations, the penalties or sanctions
520 that should be imposed, a means of providing for the
521 independence of investigations, and how the recommendations will
522 ensure the protection of children.

523 (d) Examine the results of the Florida State University
524 protective investigators' task analysis study to determine how
525 to make the child protective investigation process more
526 efficient, including, but not limited to, identifying the tasks
527 that are necessary for an effective protective investigation
528 process, streamlining of forms, and identifying the tasks that
529 should be performed by other positions.

530 (e) Examine and develop a plan for building communication
531 and involvement in decisionmaking with frontline staff and for
532 promoting nonmonetary recognition.

533 (f) Examine and make recommendations regarding the minimum
534 appropriate education and work experience desirable for
535 protective investigators and protective investigator
536 supervisors.

537 (g) Examine and develop a plan for the training needed to



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538 adequately prepare protective investigators for the job,
539 including, but not limited to, identifying the training that is
540 applicable statewide and that is specific to each district,
541 identifying instruction that is appropriate for classroom
542 training and that would be more effective through some form of
543 structured field or on-the-job training, strengthening the
544 structured field or on-the-job training, estimating the cost of
545 strengthening the structured field or on-the-job training, and
546 setting forth a 3-year implementation plan for phasing in any
547 identified expansion to the training program.

548 (2) The department shall include as members of the
549 workgroup protective investigators, protective investigative
550 supervisors, representatives from at least two of the sheriffs'
551 offices conducting this function on the effective date of this
552 act, and at least two individuals outside the department who
553 have expertise in other states' child protection systems.

554 (3) Advisory groups may be used to conduct the
555 examinations and develop the specified plans. The department is
556 encouraged to use individuals and entities having knowledge and
557 experience in the issues from outside the department on these
558 advisory groups, such as representatives having experience in
559 domestic violence programs and services. The following
560 representation shall be included on either the advisory group or
561 workgroup examining the issue:

562 (a) Representatives from the Department of Juvenile
563 Justice, the Florida Juvenile Justice Association, and the
564 Statewide Advocacy Council for the examination of institutional
565 child abuse in Department of Juvenile Justice facilities.

566 (b) Representatives from the child welfare training
567 academies for examination of the training needed to adequately



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568 prepare protective investigators.

569 (c) Representatives having experience from Florida's
570 Family Services Response System and from the Neighborhood
571 Partnerships for the Protection of Children for the examination
572 of the feasibility of an alternative response system.

573 (d) Representatives from the Behavior Analysis Services
574 Program for examination of the development of an investigative
575 process that provides different levels of investigative
576 activities.

577 (e) Representatives from each of the sheriffs' offices
578 conducting child protective investigations on the effective date
579 of this act for the examination of the feasibility of an
580 alternative response system and the examination of the
581 development of an investigative process that provides different
582 levels of investigative activities.

583 (4) The Protective Investigator Retention Workgroup shall
584 ensure that each of the examinations is conducted with the
585 necessary sharing of information and results to prevent the
586 development of plans that are incompatible with each other or
587 inconsistent with the statutory framework provided and desired
588 for child protection.

589 (5) A report of the results of each of the examinations
590 and plans developed shall be submitted to the President of the
591 Senate, the Speaker of the House of Representatives, and the
592 Governor by December 31, 2003.

593 Section 8. The Legislature finds that there is evidence
594 suggesting a link between the availability of certain services
595 to families in the child protective system and the workload and
596 turnover of protective investigators. Families being
597 investigated for child abuse may remain in the investigation



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598 process for a longer period of time or return to the child
599 protective system due to the unavailability of certain services,
600 increasing the number of families requiring subsequent
601 investigations. Therefore, the Office of Program Policy Analysis
602 and Government Accountability is directed to conduct a study of
603 the impact that the availability of services to families has on
604 the protective investigators' workload and turnover and on the
605 subsequent reports of abuse in the families and to identify
606 those specific services that would address the immediate needs
607 of families involved in a child protective investigation process
608 and those services that would be most likely to prevent the
609 families' return into the child protection system. A report of
610 the results of the study shall be submitted to the President of
611 the Senate, the Speaker of the House of Representatives, and the
612 Governor by December 31, 2003.

613 Section 9. (1) The Department of Children and Family
614 Services shall submit a report to the Senate Committee on
615 Children and Families and the House Committee on the Future of
616 Florida's Families on the status of the implementation of the
617 new investigation process, the identification of emerging
618 benefits or problems, and, if determined necessary, any
619 recommendations for modifications by December 31, 2003.

620 (2) A quality assurance review of the reports requiring an
621 onsite child protective investigation pursuant to s. 39.301(9),
622 Florida Statutes, shall be conducted to examine the accuracy of
623 the determinations not to use the enhanced process, the
624 recurrence of abuse to determine whether there is an
625 unacceptable risk to the families in not using the enhanced
626 process, and whether the intended efficacy in the workload
627 management is achieved by this new process. The Department of



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628 Children and Family Services shall conduct this quality
629 assurance review for the department's protective investigative
630 units. For the sheriffs' offices conducting child protective
631 investigations, this quality assurance review shall be
632 incorporated into the program performance evaluation conducted
633 pursuant to s. 39.3065(3)(d), Florida Statutes. A report on the
634 results of the quality assurance review shall be submitted to
635 the Governor, the President of the Senate, and the Speaker of
636 the House of Representatives by December 31, 2004.

637 Section 10. Notwithstanding any provision of chapter 216,
638 Florida Statutes, to the contrary and for the 2003-2004 fiscal
639 year only, the Department of Children and Family Services may
640 not amend the approved operating budget in a manner that
641 decreases the funding and positions appropriated for additional
642 protective investigator positions and the costs related to those
643 positions without the approval of the Legislative Budget
644 Commission.

645 Section 11. The Department of Children and Family
646 Services, in collaboration with the sheriffs' offices, shall
647 develop guidelines for conducting an onsite child protective
648 investigation that specifically does not require the additional
649 activities required by the department and for conducting an
650 enhanced child protective investigation, including determining
651 whether compelling evidence exists that no maltreatment
652 occurred, conducting collateral contacts, contacting the
653 reporter, updating the risk assessment, and providing for
654 differential levels of documentation between an onsite and an
655 enhanced onsite child protective investigation.

656 Section 12. This act shall take effect upon becoming a
657 law.