

By Senator Miller

18-49-03

1 A bill to be entitled
2 An act relating to mandatory reports of child
3 abuse, abandonment, or neglect; amending s.
4 39.201, F.S.; providing that persons who are
5 employed or supervised by religious
6 institutions or by entities affiliated with
7 such institutions must report to the Department
8 of Children and Family Services their knowledge
9 or reasonable suspicion of child abuse,
10 abandonment, or neglect; providing an effective
11 date.

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

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15 Section 1. Subsections (1) and (2) of section 39.201,
16 Florida Statutes, are amended to read:

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

20 (1) Any person, including, but not limited to, any:

21 (a) Physician, osteopathic physician, medical
22 examiner, chiropractic physician, nurse, or hospital personnel
23 engaged in the admission, examination, care, or treatment of
24 persons;

25 (b) Health or mental health professional other than
26 one listed in paragraph (a);

27 (c) Practitioner who relies solely on spiritual means
28 for healing;

29 (d) School teacher or other school official or
30 personnel;

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1 (e) Social worker, day care center worker, or other
2 professional child care, foster care, residential, or
3 institutional worker;

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

5 (g) Judge; or;

6 (h) Person who is employed or supervised by:

7 1. Any religious institution, including synagogues,
8 churches, and mosques; or

9 2. A school or an auxiliary organization that is
10 affiliated with such a religious institution,

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12 who knows, or has reasonable cause to suspect, that a child is
13 abused, abandoned, or neglected by a parent, legal custodian,
14 caregiver, or other person responsible for the child's welfare
15 shall report such knowledge or suspicion to the department in
16 the manner prescribed in subsection (2).

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

1 reporting provisions of this subsection do not apply to health
2 care professionals or other persons who provide medical or
3 counseling services to pregnant children when such reporting
4 would interfere with the provision of medical services.

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

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

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

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

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

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

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

8 (f) Reports involving abandoned newborn infants as
9 described in s. 383.50 shall be made and received by the
10 department.

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

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

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

12 (h) The department shall voice-record all incoming or
13 outgoing calls that are received or placed by the central
14 abuse hotline which relate to suspected or known child abuse,
15 neglect, or abandonment. The recording shall become a part of
16 the record of the report but, notwithstanding s. 39.202, shall
17 be released in full only to law enforcement agencies and state
18 attorneys for the purpose of investigating and prosecuting
19 criminal charges pursuant to s. 39.205, or to employees of the
20 department for the purpose of investigating and seeking
21 administrative penalties pursuant to s. 39.206. ~~Nothing in~~
22 This paragraph does not ~~shall~~ prohibit the use of the
23 recordings by hotline staff for quality assurance and
24 training.

25 Section 2. This act shall take effect July 1, 2003.

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28 SENATE SUMMARY

29 Specifies that persons who are employed or supervised by
30 religious institutions or by schools or auxiliary
31 organizations affiliated with such institutions must
report to the Department of Children and Family Services
any knowledge or reasonable suspicion of child abuse,
abandonment, or neglect.