

By the Committee on Children and Families; and Senator Miller

300-1904-03

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 certain persons
5 who are 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, except for a member of the clergy as
7 defined in s. 90.505 whose communication is privileged under
8 s. 90.505, who is employed or supervised by:

9 1. Any religious institution, including synagogues,
10 churches, and mosques; or

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

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

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

1 law enforcement agency. If the report is of an instance of
2 known or suspected child abuse solely under s. 827.04(3), the
3 reporting provisions of this subsection do not apply to health
4 care professionals or other persons who provide medical or
5 counseling services to pregnant children when such reporting
6 would interfere with the provision of medical services.

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

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

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

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

23 1. The department shall determine the age of the
24 alleged juvenile sexual offender if known.

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

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

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

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

27 2. If the caller reports indications of abuse or
28 neglect beyond that necessarily entailed in the infant having
29 been left at a hospital, emergency medical services station,
30 or fire station, the report shall be considered as a report of
31 abuse, neglect, or abandonment and shall be subject to the

1 requirements of s. 39.395 and all other relevant provisions of
2 this chapter, notwithstanding any provisions of chapter 383.

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

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

27 Section 2. This act shall take effect July 1, 2003.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 606

Excludes from employees of religious institutions who are specified as mandated reporters members of the clergy as defined in s. 90.505, F.S., whose communication meets the requirements of s. 90.505, F.S.