

By Senator Miller

18-743-04

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A bill to be entitled
An act relating to mandatory reports of child abuse, abandonment, or neglect; amending s. 39.201, F.S.; providing that certain persons who are employed or supervised by a religious institution or by an entity affiliated with such an institution must report to the Department of Children and Family Services their knowledge or reasonable suspicion of child abuse, abandonment, or neglect; providing an effective date.

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

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

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

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

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

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

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

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

5 4. School teacher or other school official or
6 personnel;

7 5. Social worker, day care center worker, or other
8 professional child care, foster care, residential, or
9 institutional worker;

10 6. Law enforcement officer; ~~or~~

11 7. Judge; or.

12 8. Person, except for a member of the clergy as
13 defined in s. 90.505 whose communication is privileged under
14 s. 90.505, who is employed or supervised by:

15 a. Any religious institution, including a synagogue,
16 church, or mosque; or

17 b. A school or an auxiliary organization that is
18 affiliated with such a religious institution.

19

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

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

29 (d) An officer or employee of the judicial branch is
30 not required to again provide notice of reasonable cause to
31 suspect child abuse, abandonment, or neglect when that child

1 is currently being investigated by the department, there is an
2 existing dependency case, or the matter has previously been
3 reported to the department, provided there is reasonable cause
4 to believe the information is already known to the department.
5 This paragraph applies only when the information has been
6 provided to the officer or employee in the course of carrying
7 out his or her official duties.

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

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

28 (b) If the report is of an instance of known or
29 suspected child abuse by someone other than a parent, legal
30 custodian, caregiver, or other person responsible for the
31 child's welfare as defined in this chapter, the call shall be

1 immediately electronically transferred to the appropriate
2 county sheriff's office by the central abuse hotline.

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

10 (d) If the report is of an instance of known or
11 suspected child abuse involving impregnation of a child under
12 16 years of age by a person 21 years of age or older solely
13 under s. 827.04(3), the report shall be made immediately to
14 the appropriate county sheriff's office or other appropriate
15 law enforcement agency. If the report is of an instance of
16 known or suspected child abuse solely under s. 827.04(3), the
17 reporting provisions of this subsection do not apply to health
18 care professionals or other persons who provide medical or
19 counseling services to pregnant children when such reporting
20 would interfere with the provision of medical services.

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

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

26 1. The department shall determine the age of the
27 alleged juvenile sexual offender if known.

28 2. When the alleged juvenile sexual offender is 12
29 years of age or younger, the central abuse hotline shall
30 immediately electronically transfer the call to the
31 appropriate law enforcement agency office. The department

1 shall conduct an assessment and assist the family in receiving
2 appropriate services pursuant to s. 39.307, and send a written
3 report of the allegation to the appropriate county sheriff's
4 office within 48 hours after the initial report is made to the
5 central abuse hotline.

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

13 (g) Reports involving abandoned newborn infants as
14 described in s. 383.50 shall be made and received by the
15 department.

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

30 2. If the caller reports indications of abuse or
31 neglect beyond that necessarily entailed in the infant having

1 | been left at a hospital, emergency medical services station,
2 | or fire station, the report shall be considered as a report of
3 | abuse, neglect, or abandonment and shall be subject to the
4 | requirements of s. 39.395 and all other relevant provisions of
5 | this chapter, notwithstanding any provisions of chapter 383.

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

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

30 | Section 2. This act shall take effect July 1, 2004.

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SENATE SUMMARY

Requires that a person who is employed or supervised by a religious institution or an entity affiliated with such an institution, except for a member of the clergy, report knowledge or reasonable suspicion of child abuse, abandonment, or neglect to the Department of Children and Family Services.