



704608

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/8/2008	.	
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	.	

1 The Committee on Health and Human Services Appropriations (Rich)
2 recommended the following **amendment**:

3
4 **Senate Amendment (with directory and title amendments)**

5 Delete line(s) 236-263

6 and insert:

7 Section 5. Subsections (2), (4), and (7) of section 39.201,
8 Florida Statutes, are amended to read:

9 39.201 Mandatory reports of child abuse, abandonment, or
10 neglect; mandatory reports of death; central abuse hotline.--

11 (2) (a) Each report of known or suspected child abuse,
12 abandonment, or neglect by a parent, legal custodian, caregiver,
13 or other person responsible for the child's welfare as defined in
14 this chapter, except those solely under s. 827.04(3), and each
15 report that a child is in need of supervision and care and has no
16 parent, legal custodian, or responsible adult relative

17 immediately known and available to provide supervision and care



704608

18 shall be made immediately to the department's central abuse
19 hotline. Such reports may be made on the single statewide toll-
20 free telephone number or by fax or e-mail. Personnel at the
21 ~~department's central abuse~~ hotline shall determine if the report
22 received meets the statutory definition of child abuse,
23 abandonment, or neglect. Any report meeting one of these
24 definitions shall be accepted for the protective investigation
25 pursuant to part III of this chapter.

26 (b) If the report is of an instance of known or suspected
27 child abuse by someone other than a parent, legal custodian,
28 caregiver, or other person responsible for the child's welfare as
29 defined in this chapter, the call or report shall be immediately
30 electronically transferred to the appropriate county sheriff's
31 office by the central abuse hotline.

32 (c) If the report is of an instance of known or suspected
33 child abuse, abandonment, or neglect that occurred out of state
34 and the alleged perpetrator and the child alleged to be a victim
35 live out of state, the central abuse hotline may ~~shall~~ not accept
36 the call or report for investigation, but shall transfer the
37 information ~~on the report~~ to the appropriate state.

38 (d) If the report is of an instance of known or suspected
39 child abuse involving impregnation of a child under 16 years of
40 age by a person 21 years of age or older solely under s.
41 827.04(3), the report shall be made immediately to the
42 appropriate county sheriff's office or other appropriate law
43 enforcement agency. If the report is of an instance of known or
44 suspected child abuse solely under s. 827.04(3), the reporting
45 provisions of this subsection do not apply to health care
46 professionals or other persons who provide medical or counseling



704608

47 services to pregnant children when such reporting would interfere
48 with the provision of medical services.

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

52 (f) Reports involving a known or suspected juvenile sexual
53 offender or a child who has exhibited inappropriate sexual
54 behavior shall be made and received by the department.

55 1. The department shall determine the age of the alleged
56 ~~juvenile sexual~~ offender, if known.

57 2. If ~~When~~ the alleged ~~juvenile sexual~~ offender is 12 years
58 of age or younger, the central abuse hotline shall immediately
59 electronically transfer the call or report to the appropriate law
60 enforcement agency office. The department shall conduct an
61 assessment and assist the family in receiving appropriate
62 services pursuant to s. 39.307, and send a written report of the
63 allegation to the appropriate county sheriff's office within 48
64 hours after the initial report is made to the central abuse
65 hotline.

66 3. If ~~When~~ the alleged ~~juvenile sexual~~ offender is 13 years
67 of age or older, the central abuse hotline ~~department~~ shall
68 immediately electronically transfer the call or report to the
69 appropriate county sheriff's office by the central abuse hotline,
70 and send a written report to the appropriate county sheriff's
71 office within 48 hours after the initial report to the central
72 abuse hotline.

73 (g) Reports involving abandoned newborn infants as
74 described in s. 383.50 shall be made and received by the
75 department.



704608

76 1. If the report is of an abandoned newborn infant as
77 described in s. 383.50 and there is no indication of abuse,
78 neglect, or abandonment other than that ~~necessarily~~ entailed in
79 the infant having been left at a hospital, emergency medical
80 services station, or fire station, the department shall provide
81 to the caller the name of a licensed child-placing agency on a
82 rotating basis from a list of licensed child-placing agencies
83 eligible and required to accept physical custody of and to place
84 newborn infants left at a hospital, emergency medical services
85 station, or fire station. The report may ~~shall~~ not be considered
86 a report of abuse, neglect, or abandonment solely because the
87 infant has been left at a hospital, emergency medical services
88 station, or fire station pursuant to s. 383.50.

89 2. If the call, fax, or e-mail includes ~~caller reports~~
90 indications of abuse or neglect beyond that necessarily entailed
91 in the infant having been left at a hospital, emergency medical
92 services station, or fire station, the report shall be considered
93 ~~as~~ a report of abuse, neglect, or abandonment and is ~~shall be~~
94 subject to the requirements of s. 39.395 and all other relevant
95 provisions of this chapter, notwithstanding any provisions of
96 chapter 383.

97 (h) Hotline counselors shall receive periodic training in
98 encouraging reporters to provide their names when reporting
99 abuse, abandonment, or neglect. Callers shall be advised of the
100 confidentiality provisions of s. 39.202. The department shall
101 secure and install electronic equipment that automatically
102 provides to the hotline the number from which the call or fax is
103 placed, or the Internet protocol (IP) address from which the e-
104 mail report is received. This number or address shall be entered
105 into the report of abuse, abandonment, or neglect and become a



704608

106 part of the record of the report, but shall enjoy the same
107 confidentiality as provided to the identity of the reporter
108 ~~caller~~ pursuant to s. 39.202.

109 (i) The department shall voice-record all incoming or
110 outgoing calls that are received or placed by the central abuse
111 hotline and shall maintain an electronic copy of each fax or e-
112 mail that relates ~~which relate~~ to suspected or known child abuse,
113 neglect, or abandonment. The recording or electronic copy of each
114 fax and e-mail shall become a part of the record of the report
115 but, notwithstanding s. 39.202, shall be released in full only to
116 law enforcement agencies and state attorneys for the purpose of
117 investigating and prosecuting criminal charges pursuant to s.
118 39.205, or to employees of the department for the purpose of
119 investigating and seeking administrative penalties pursuant to s.
120 39.206. ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the use
121 of the recordings or electronic copies of faxes or e-mails by
122 hotline staff for quality assurance and training.

123 (4) The department shall establish and maintain a central
124 abuse hotline to receive all reports made pursuant to this
125 section in writing, by fax or e-mail, or through a single
126 statewide toll-free telephone number, which any person may use to
127 report known or suspected child abuse, abandonment, or neglect at
128 any hour of the day or night, any day of the week. The central
129 abuse hotline shall be operated in such a manner as to enable the
130 department to:

131 (a) Immediately identify and locate prior reports or cases
132 of child abuse, abandonment, or neglect through the use
133 ~~utilization~~ of the department's automated tracking system.

134 (b) Monitor and evaluate the effectiveness of the
135 department's program for reporting and investigating suspected



704608

136 abuse, abandonment, or neglect of children through the
137 development and analysis of statistical and other information.

138 (c) Track critical steps in the investigative process to
139 ensure compliance with all requirements for any report of abuse,
140 abandonment, or neglect.

141 (d) Maintain and produce aggregate statistical reports
142 monitoring patterns of child abuse, child abandonment, and child
143 neglect. The department shall collect and analyze child-on-child
144 sexual abuse reports and include the information in aggregate
145 statistical reports.

146 (e) Serve as a resource for the evaluation, management, and
147 planning of preventive and remedial services for children who
148 have been subject to abuse, abandonment, or neglect.

149 (f) Initiate and enter into agreements with other states
150 for the purpose of gathering and sharing information contained in
151 reports on child maltreatment to further enhance programs for the
152 protection of children.

153 (7) On an ongoing basis, the department's quality assurance
154 program shall review calls and reports to the hotline involving
155 three or more unaccepted reports on a single child, where
156 jurisdiction applies, in order to detect such things as
157 harassment and situations that warrant an investigation because
158 of the frequency or variety of the source of the reports. The
159 Program Director for Family Safety may refer a case for
160 investigation when it is determined, as a result of this review,
161 that an investigation may be warranted.

162 Section 6. Subsections (1) and (16) of section 39.301,
163 Florida Statutes, are amended to read:

164 39.301 Initiation of protective investigations.--



704608

165 (1) Upon receiving a ~~an oral or written~~ report of known or
166 suspected child abuse, abandonment, or neglect, or that a child
167 is in need of supervision and care and has no parent, legal
168 custodian, or responsible adult relative immediately known and
169 available to provide supervision and care, the central abuse
170 hotline shall determine if the report requires an immediate
171 onsite protective investigation. For reports requiring an
172 immediate onsite protective investigation, the central abuse
173 hotline shall immediately notify the department's designated
174 ~~children and families~~ district staff responsible for protective
175 investigations to ensure that an onsite investigation is promptly
176 initiated. For reports not requiring an immediate onsite
177 protective investigation, the central abuse hotline shall notify
178 the department's designated ~~children and families~~ district staff
179 responsible for protective investigations in sufficient time to
180 allow for an investigation. At the time of notification ~~of~~
181 ~~district staff with respect to the report,~~ the central abuse
182 hotline shall also provide information to district staff on any
183 previous report concerning a subject of the present report or any
184 pertinent information relative to the present report or any noted
185 earlier reports.

186 ===== T I T L E A M E N D M E N T =====

187 And the title is amended as follows:

188 Delete line(s) 18-21

189 and insert:

190 department is missing; amending s. 39.201, F.S.; revising
191 provisions relating to reporting child abuse, abandonment,
192 or neglect to the central abuse hotline to allow for
193 reports by fax or e-mail; amending s. 39.301, F.S.;



704608

194 | conforming provisions to changes made by the act;
195 | providing certain