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1 A bill to be entitled
2 An act relating to the welfare of children; repealing
3 s. 39.001(7), (8), (9), and (12), F.S., relating to
4 the Office of Adoption and Child Protection within the
5 Executive Office of the Governor; amending s. 39.001,
6 F.S.; removing obsolete provisions relating to the
7 Office of Adoption and Child Protection within the
8 Executive Office of the Governor; amending s. 39.0014,
9 F.S.; requiring all state, county, and local agencies
10 to cooperate, assist, and provide information to the
11 Department of Children and Family Services rather than
12 the Office of Adoption and Child Protection; repealing
13 s. 39.01(46), F.S., relating to the definition of the
14 term "office" as it relates to the Office of Adoption
15 and Child Protection; amending s. 39.302, F.S.;
16 conforming a cross-reference; providing an effective
17 date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Subsections (7), (8), (9), and (12) of section
22 39.001, Florida Statutes, are repealed.

23 Section 2. Subsection (6) of section 39.001, Florida
24 Statutes, is amended to read:

25 39.001 Purposes and intent; personnel standards and
26 screening.—

27 (6) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,
28 ABANDONMENT, AND NEGLECT OF CHILDREN.—The incidence of known
29 child abuse, abandonment, and neglect has increased rapidly over

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30 the past 5 years. The impact that abuse, abandonment, or neglect
31 has on the victimized child, siblings, family structure, and
32 inevitably on all citizens of the state has caused the
33 Legislature to determine that the prevention of child abuse,
34 abandonment, and neglect shall be a priority of this state. ~~To~~
35 ~~further this end, it is the intent of the Legislature that an~~
36 ~~Office of Adoption and Child Protection be established.~~

37 Section 3. Section 39.0014, Florida Statutes, is amended to
38 read:

39 39.0014 Responsibilities of public agencies.—All state,
40 county, and local agencies shall cooperate, assist, and provide
41 information to the ~~Office of Adoption and Child Protection and~~
42 ~~the~~ department as will enable them to fulfill their
43 responsibilities under this chapter.

44 Section 4. Subsection (46) of section 39.01, Florida
45 Statutes, is repealed.

46 Section 5. Subsection (1) of section 39.302, Florida
47 Statutes, is amended to read:

48 39.302 Protective investigations of institutional child
49 abuse, abandonment, or neglect.—

50 (1) The department shall conduct a child protective
51 investigation of each report of institutional child abuse,
52 abandonment, or neglect. Upon receipt of a report that alleges
53 that an employee or agent of the department, or any other entity
54 or person covered by s. 39.01(33) or (46)~~(47)~~, acting in an
55 official capacity, has committed an act of child abuse,
56 abandonment, or neglect, the department shall initiate a child
57 protective investigation within the timeframe established under
58 s. 39.201(5) and orally notify the appropriate state attorney,

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59 law enforcement agency, and licensing agency, which shall
60 immediately conduct a joint investigation, unless independent
61 investigations are more feasible. When conducting investigations
62 onsite or having face-to-face interviews with the child,
63 investigation visits shall be unannounced unless it is
64 determined by the department or its agent that unannounced
65 visits threaten the safety of the child. If a facility is exempt
66 from licensing, the department shall inform the owner or
67 operator of the facility of the report. Each agency conducting a
68 joint investigation is entitled to full access to the
69 information gathered by the department in the course of the
70 investigation. A protective investigation must include an onsite
71 visit of the child's place of residence. The department shall
72 make a full written report to the state attorney within 3
73 working days after making the oral report. A criminal
74 investigation shall be coordinated, whenever possible, with the
75 child protective investigation of the department. Any interested
76 person who has information regarding the offenses described in
77 this subsection may forward a statement to the state attorney as
78 to whether prosecution is warranted and appropriate. Within 15
79 days after the completion of the investigation, the state
80 attorney shall report the findings to the department and shall
81 include in the report a determination of whether or not
82 prosecution is justified and appropriate in view of the
83 circumstances of the specific case.

84 Section 6. This act shall take effect July 1, 2011.