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LEGISLATIVE ACTION

Senate	.	House
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Floor: 4/AD/2R	.	Floor: SENA4/C
03/08/2012 10:12 AM	.	03/08/2012 04:55 PM
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Senators Benacquisto and Storms moved the following:

Senate Amendment

Delete lines 67 - 146

and insert:

Section 1. Subsections (1), (2), and (4) 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, or that a child is in need of supervision and care and has no parent,



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14 legal custodian, or responsible adult relative immediately known
15 and available to provide supervision and care shall report such
16 knowledge or suspicion to the department in the manner
17 prescribed in subsection (2).

18 (b) Any person who knows, or who has reasonable cause to
19 suspect, that a child is abused by an adult other than a parent,
20 legal custodian, caregiver, or other person responsible for the
21 child's welfare, as defined in this chapter, shall report such
22 knowledge or suspicion to the department in the manner
23 prescribed in subsection (2).

24 (c) Any person who knows, or has reasonable cause to
25 suspect, that a child is the victim of childhood sexual abuse or
26 the victim of a known or suspected juvenile sexual offender, as
27 defined in this chapter, shall report such knowledge or
28 suspicion to the department in the manner prescribed in
29 subsection (2).

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

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

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

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

39 4. School teacher or other school official or personnel;

40 5. Social worker, day care center worker, or other
41 professional child care, foster care, residential, or
42 institutional worker;



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43 6. Law enforcement officer; or

44 7. Judge.

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46 The names of reporters shall be entered into the record of the
47 report, but shall be held confidential and exempt as provided in
48 s. 39.202.

49 (e)~~(e)~~ A professional who is hired by or enters into a
50 contract with the department for the purpose of treating or
51 counseling any person, as a result of a report of child abuse,
52 abandonment, or neglect, is not required to again report to the
53 central abuse hotline the abuse, abandonment, or neglect that
54 was the subject of the referral for treatment.

55 (f)~~(d)~~ An officer or employee of the judicial branch is not
56 required to again provide notice of reasonable cause to suspect
57 child abuse, abandonment, or neglect when that child is
58 currently being investigated by the department, there is an
59 existing dependency case, or the matter has previously been
60 reported to the department, provided there is reasonable cause
61 to believe the information is already known to the department.
62 This paragraph applies only when the information has been
63 provided to the officer or employee in the course of carrying
64 out his or her official duties.

65 (g)~~(e)~~ Nothing in this chapter or in the contracting with
66 community-based care providers for foster care and related
67 services as specified in s. 409.1671 shall be construed to
68 remove or reduce the duty and responsibility of any person,
69 including any employee of the community-based care provider, to
70 report a suspected or actual case of child abuse, abandonment,
71 or neglect or the sexual abuse of a child to the department's



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72 central abuse hotline.

73 (2) (a) Each report of known or suspected child abuse,
74 abandonment, or neglect by a parent, legal custodian, caregiver,
75 or other person responsible for the child's welfare as defined
76 in this chapter, except those solely under s. 827.04(3), and
77 each report that a child is in need of supervision and care and
78 has no parent, legal custodian, or responsible adult relative
79 immediately known and available to provide supervision and care
80 shall be made immediately to the department's central abuse
81 hotline. Such reports may be made on the single statewide toll-
82 free telephone number or via fax, web-based chat, or web-based
83 report. Personnel at the department's central abuse hotline
84 shall determine if the report received meets the statutory
85 definition of child abuse, abandonment, or neglect. Any report
86 meeting one of these definitions shall be accepted for the
87 protective investigation pursuant to part III of this chapter.

88 (b) Each report of known or suspected child abuse by an
89 adult other than a parent, legal custodian, caregiver, or other
90 person responsible for the child's welfare, as defined in this
91 chapter, shall be made immediately to the department's central
92 abuse hotline. Such reports may be made on the single statewide
93 toll-free telephone number or via fax, web-based chat, or web-
94 based report. Such reports or calls shall be immediately
95 electronically transferred to the appropriate county sheriff's
96 office by the central abuse hotline. ~~If the report is of an~~
97 ~~instance of known or suspected child abuse by someone other than~~
98 ~~a parent, legal custodian, caregiver, or other person~~
99 ~~responsible for the child's welfare as defined in this chapter,~~
100 ~~the report or call shall be immediately electronically~~



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101 ~~transferred to the appropriate county sheriff's office by the~~
102 ~~central abuse hotline.~~

103 (c) Reports involving a known or suspected juvenile sexual
104 offender or a child who has exhibited inappropriate sexual
105 behavior shall be made and received by the department.

106 1. The department shall determine the age of the alleged
107 offender, if known.

108 2. If the alleged offender is 12 years of age or younger,
109 the central abuse hotline shall immediately electronically
110 transfer the report or call to the county sheriff's office. The
111 department shall conduct an assessment and assist the family in
112 receiving appropriate services pursuant to s. 39.307, and send a
113 written report of the allegation to the appropriate county
114 sheriff's office within 48 hours after the initial report is
115 made to the central abuse hotline.

116 3. If the alleged offender is 13 years of age or older, the
117 central abuse hotline shall immediately electronically transfer
118 the report or call to the appropriate county sheriff's office
119 and send a written report to the appropriate county sheriff's
120 office within 48 hours after the initial report to the central
121 abuse hotline.

122 (d)(e) If the report is of an instance of known or
123 suspected child abuse, abandonment, or neglect that occurred out
124 of state and the alleged perpetrator and the child alleged to be
125 a victim live out of state, the central abuse hotline shall not
126 accept the report or call for investigation, but shall transfer
127 the information on the report to the appropriate state.

128 (e)(d) If the report is of an instance of known or
129 suspected child abuse involving impregnation of a child under 16



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130 years of age by a person 21 years of age or older solely under
131 s. 827.04(3), the report shall be made immediately to the
132 appropriate county sheriff's office or other appropriate law
133 enforcement agency. If the report is of an instance of known or
134 suspected child abuse solely under s. 827.04(3), the reporting
135 provisions of this subsection do not apply to health care
136 professionals or other persons who provide medical or counseling
137 services to pregnant children when such reporting would
138 interfere with the provision of medical services.

139 ~~(f)(e)~~ Reports involving known or suspected institutional
140 child abuse or neglect shall be made and received in the same
141 manner as all other reports made pursuant to this section.

142 ~~(f) Reports involving a known or suspected juvenile sexual~~
143 ~~offender or a child who has exhibited inappropriate sexual~~
144 ~~behavior shall be made and received by the department.~~

145 ~~1. The department shall determine the age of the alleged~~
146 ~~offender, if known.~~

147 ~~2. If the alleged offender is 12 years of age or younger,~~
148 ~~the central abuse hotline shall immediately electronically~~
149 ~~transfer the report or call to the county sheriff's office. The~~
150 ~~department shall conduct an assessment and assist the family in~~
151 ~~receiving appropriate services pursuant to s. 39.307, and send a~~
152 ~~written report of the allegation to the appropriate county~~
153 ~~sheriff's office within 48 hours after the initial report is~~
154 ~~made to the central abuse hotline.~~

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160 ~~abuse hotline.~~