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LEGISLATIVE ACTION

Senate

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House

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Floor: 8/AD/2R

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03/07/2012 01:39 PM

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Senators Benacquisto and Storms moved the following:

**Senate Amendment**

Delete lines 52 - 131

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 a known or suspected  
26 juvenile sexual offender, as defined in this chapter, shall  
27 report such knowledge or suspicion to the department in the  
28 manner prescribed in subsection (2).

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

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

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

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

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

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

42 6. Law enforcement officer; or



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43           7. Judge.

44  
45   The names of reporters shall be entered into the record of the  
46   report, but shall be held confidential and exempt as provided in  
47   s. 39.202.

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

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

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



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

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



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101 ~~central abuse hotline.~~

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

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

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

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

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

127 (e)~~(d)~~ If the report is of an instance of known or  
128 suspected child abuse involving impregnation of a child under 16  
129 years of age by a person 21 years of age or older solely under



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

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

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

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

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

154 ~~3. If the alleged offender is 13 years of age or older, the~~  
155 ~~central abuse hotline shall immediately electronically transfer~~  
156 ~~the report or call to the appropriate county sheriff's office~~  
157 ~~and send a written report to the appropriate county sheriff's~~  
158 ~~office within 48 hours after the initial report to the central~~



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159 ~~abuse hotline.~~