

By Senator Broxson

1-01181B-17

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1                   A bill to be entitled  
2       An act relating to child protection; amending s.  
3       39.303, F.S.; adding the Statewide Medical Director  
4       for Child Protection as an official who must be  
5       consulted in the screening, employment, and  
6       termination of child protection team medical directors  
7       statewide; amending ss. 458.3175 and 459.0066, F.S.;  
8       providing that an expert witness certificate  
9       authorizes a physician to provide expert testimony in  
10      abandonment, dependency, and sexual abuse cases;  
11      amending s. 827.03, F.S.; expanding the application of  
12      expert testimony requirements in cases involving  
13      abuse, aggravated abuse, or neglect of a child to  
14      include criminal cases involving neglect, abandonment,  
15      dependency, and sexual abuse; requiring the Children's  
16      Medical Services program within the Department of  
17      Health to convene a task force to develop a  
18      standardized protocol for forensic interviews of  
19      children suspected of being abused; specifying the  
20      composition of the task force; requiring the  
21      department to submit the standardized protocol to the  
22      Legislature by a specified date; providing an  
23      effective date.

24  
25   Be It Enacted by the Legislature of the State of Florida:

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27       Section 1. Subsection (1) of section 39.303, Florida  
28       Statutes, is amended to read:

29       39.303 Child protection teams; services; eligible cases.—

1-01181B-17

20171454\_\_

30 (1) The Children's Medical Services program in the  
31 Department of Health shall develop, maintain, and coordinate the  
32 services of one or more multidisciplinary child protection teams  
33 in each of the service districts of the Department of Children  
34 and Families. Such teams may be composed of appropriate  
35 representatives of school districts and appropriate health,  
36 mental health, social service, legal service, and law  
37 enforcement agencies. The Department of Health and the  
38 Department of Children and Families shall maintain an  
39 interagency agreement that establishes protocols for oversight  
40 and operations of child protection teams and sexual abuse  
41 treatment programs. The State Surgeon General and the Deputy  
42 Secretary for Children's Medical Services, in consultation with  
43 the Statewide Medical Director for Child Protection and the  
44 Secretary of Children and Families, shall maintain the  
45 responsibility for the screening, employment, and, if necessary,  
46 the termination of child protection team medical directors, at  
47 headquarters and in the 15 districts.

48 Section 2. Paragraph (c) of subsection (2) of section  
49 458.3175, Florida Statutes, is amended to read:

50 458.3175 Expert witness certificate.-

51 (2) An expert witness certificate authorizes the physician  
52 to whom the certificate is issued to do only the following:

53 (c) Provide expert testimony in criminal child abuse, and  
54 neglect, abandonment, dependency, and sexual abuse cases in this  
55 state.

56 Section 3. Paragraph (c) of subsection (2) of section  
57 459.0066, Florida Statutes, is amended to read:

58 459.0066 Expert witness certificate.-

1-01181B-17

20171454\_\_

59 (2) An expert witness certificate authorizes the physician  
60 to whom the certificate is issued to do only the following:

61 (c) Provide expert testimony in criminal child abuse, ~~and~~  
62 neglect, abandonment, dependency, and sexual abuse cases in this  
63 state.

64 Section 4. Subsection (3) of section 827.03, Florida  
65 Statutes, is amended to read:

66 827.03 Abuse, aggravated abuse, and neglect of a child;  
67 penalties.—

68 (3) EXPERT TESTIMONY.—

69 (a) Except as provided in paragraph (b), a physician may  
70 not provide expert testimony in a criminal child abuse case  
71 unless the physician is a physician licensed under chapter 458  
72 or chapter 459 or has obtained certification as an expert  
73 witness pursuant to s. 458.3175 or s. 459.0066.

74 (b) A physician may not provide expert testimony in a  
75 criminal child abuse case regarding mental injury unless the  
76 physician is a physician licensed under chapter 458 or chapter  
77 459 who has completed an accredited residency in psychiatry or  
78 has obtained certification as an expert witness pursuant to s.  
79 458.3175 or s. 459.0066.

80 (c) A psychologist may not give expert testimony in a  
81 criminal child abuse case regarding mental injury unless the  
82 psychologist is licensed under chapter 490.

83 (d) The expert testimony requirements of this subsection  
84 apply only to criminal child abuse, neglect, abandonment,  
85 dependency, and sexual abuse cases and not to family court ~~or~~  
86 ~~dependency court~~ cases.

87 Section 5. The Children's Medical Services program in the

1-01181B-17

20171454\_\_

88 Department of Health shall convene, and provide necessary  
89 staffing to, a task force to develop a standardized protocol for  
90 conducting forensic interviews of children suspected of being  
91 victims of abuse.

92 (a) The task force membership must include, but need not be  
93 limited to, the following persons, each appointed by the  
94 respective organization or entity represented:

95 1. A representative of the Florida Prosecuting Attorneys  
96 Association.

97 2. A representative of the Florida Psychological  
98 Association.

99 3. The Statewide Medical Director for Child Protection.

100 4. A representative of the Florida Public Defender  
101 Association, Inc.

102 5. A representative of the Florida Guardian ad Litem  
103 Program.

104 6. A representative of a community-based care lead agency.

105 7. A representative of the Children's Medical Services  
106 program.

107 (b) The department shall deliver the standardized protocol  
108 developed by the task force to the Speaker of the House of  
109 Representatives and the President of the Senate by January 1,  
110 2018. Members of the task force may not receive per diem or  
111 other payment for their service on the task force.

112 Section 6. This act shall take effect July 1, 2017.