

By Senator Book

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1 A bill to be entitled
2 An act relating to child abuse, abandonment, and
3 neglect; amending s. 39.01, F.S.; deleting the term
4 "juvenile sexual abuse"; defining the term "child-on-
5 child sexual abuse"; creating s. 39.101, F.S.;
6 relocating provisions relating to the central abuse
7 hotline of the Department of Children and Families;
8 providing additional requirements relating to the
9 hotline; amending s. 39.201, F.S.; requiring animal
10 control officers and certain agents to provide their
11 names to hotline staff; creating s. 39.208, F.S.;
12 providing a purpose; requiring individuals who are
13 required to investigate child abuse, abandonment, or
14 neglect to also report certain animal abuse to
15 specified persons or agencies; requiring that the
16 report include certain information; providing a
17 criminal penalty for knowingly and willfully failing
18 to make such report; requiring the department to
19 include certain training in the training program for
20 persons required to investigate child abuse,
21 abandonment, or neglect; amending s. 39.302, F.S.;
22 conforming a cross-reference; relocating provisions
23 relating to the representation of alleged perpetrators
24 in institutional investigations; amending s. 828.27,
25 F.S.; requiring training for animal control officers
26 to include training for detecting child abuse,
27 neglect, and abandonment; amending s. 39.307, F.S.;
28 conforming provisions to changes made by the act;
29 amending ss. 39.301 and 934.03, F.S.; conforming

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30 cross-references; providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Present subsections (8) through (12) of section
35 39.01, Florida Statutes, are redesignated as subsections (7)
36 through (11), respectively, a new subsection (12) is added to
37 that section, and present subsection (7) of that section is
38 amended, to read:

39 39.01 Definitions.—When used in this chapter, unless the
40 context otherwise requires:

41 ~~(7) "Juvenile sexual abuse" means any sexual behavior by a~~
42 ~~child which occurs without consent, without equality, or as a~~
43 ~~result of coercion. For purposes of this subsection, the~~
44 ~~following definitions apply:~~

45 ~~(a) "Coercion" means the exploitation of authority or the~~
46 ~~use of bribes, threats of force, or intimidation to gain~~
47 ~~cooperation or compliance.~~

48 ~~(b) "Equality" means two participants operating with the~~
49 ~~same level of power in a relationship, neither being controlled~~
50 ~~nor coerced by the other.~~

51 ~~(c) "Consent" means an agreement, including all of the~~
52 ~~following:~~

53 ~~1. Understanding what is proposed based on age, maturity,~~
54 ~~developmental level, functioning, and experience.~~

55 ~~2. Knowledge of societal standards for what is being~~
56 ~~proposed.~~

57 ~~3. Awareness of potential consequences and alternatives.~~

58 ~~4. Assumption that agreement or disagreement will be~~

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59 ~~accepted equally.~~

60 ~~5. Voluntary decision.~~

61 ~~6. Mental competence.~~

62

63 ~~Juvenile sexual behavior ranges from noncontact sexual behavior~~
64 ~~such as making obscene phone calls, exhibitionism, voyeurism,~~
65 ~~and the showing or taking of lewd photographs to varying degrees~~
66 ~~of direct sexual contact, such as frottage, fondling, digital~~
67 ~~penetration, rape, fellatio, sodomy, and various other sexually~~
68 ~~aggressive acts.~~

69 (12) (a) "Child-on-child sexual abuse" means sexual activity
70 between children and without the direct involvement of an adult
71 which:

72 1. Is overt and deliberate;

73 2. Is directed at sexual stimulation; and

74 3.a. Occurs without consent or without equality mentally,
75 physically, or in age; or

76 b. Occurs as a result of physical or emotional coercion.

77 (b) For purposes of this subsection, the following
78 definitions apply:

79 1. "Coercion" means the exploitation of authority or the
80 use of bribes, threats of force, or intimidation to gain
81 cooperation or compliance.

82 2. "Consent" means an agreement including all of the
83 following:

84 a. Understanding of what is proposed which is based on age,
85 maturity, developmental level, functioning, and experience.

86 b. Knowledge of societal standards for what is being
87 proposed.

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88 c. Awareness of the potential consequences and
89 alternatives.

90 d. Assumption that agreement or disagreement will be
91 accepted equally.

92 e. Voluntary decision.

93 f. Mental competence.

94 3. "Equality" means two participants operating with the
95 same level of power in a relationship, without being controlled
96 or coerced by the other.

97
98 The term includes both noncontact sexual behavior, such as
99 making obscene phone calls, exhibitionism, voyeurism, and the
100 showing or taking of lewd photographs, and direct sexual
101 contact, such as frottage, fondling, digital penetration, rape,
102 fellatio, sodomy, and various other sexually aggressive acts.
103 Child-on-child sexual abuse does not include normative sexual
104 play or anatomical curiosity and exploration.

105 Section 2. Section 39.101, Florida Statutes, is created to
106 read:

107 39.101 Central abuse hotline.—The central abuse hotline is
108 the first step in the safety assessment and investigation
109 process.

110 (1) ESTABLISHMENT AND OPERATION.—The department shall
111 establish and maintain a central abuse hotline capable of
112 receiving, 24 hours a day, 7 days a week, all reports of known
113 or suspected child abuse, abandonment, or neglect and reports
114 that a child is in need of supervision and care and has no
115 parent, legal custodian, or responsible adult relative
116 immediately known and available to provide supervision and care

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117 when such reports are made pursuant to s. 39.201. Reports may be
118 made in writing, through a single statewide toll-free telephone
119 number, or via fax, web-based reporting, or web-based chat. Any
120 person may use any of these methods to make a report at any hour
121 of the day or night, on any day of the week.

122 (a) If it appears that the immediate safety or well-being
123 of a child is endangered, that the family may flee or the child
124 will be unavailable for purposes of conducting a child
125 protective investigation, or that the facts otherwise so
126 warrant, the department must commence an investigation
127 immediately, regardless of the time of day or night.

128 (b) In all other child abuse, abandonment, or neglect
129 cases, a child protective investigation must be commenced within
130 24 hours after receipt of the report.

131 (2) GENERAL REQUIREMENTS.—The central abuse hotline must be
132 operated in such a manner as to enable the department to:

133 (a) Accept reports for investigation when there is a
134 reasonable cause to suspect that a child has been or is being
135 abused or neglected or has been abandoned.

136 (b) Determine whether the allegations made by the reporter
137 require an immediate, a 24-hour, or a next-working-day response
138 priority.

139 (c) Immediately identify and locate prior reports or cases
140 of child abuse, abandonment, or neglect through the use of the
141 department's automated tracking system.

142 (d) Track critical steps in the investigative process to
143 ensure compliance with all requirements for any report of abuse,
144 abandonment, or neglect.

145 (e) When appropriate, refer calls that do not allege the

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146 abuse, neglect, or abandonment of a child to other organizations
147 that may better resolve the reporter's concerns.

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

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

155
156 The department shall promote public awareness of the central
157 abuse hotline through community-based partner organizations and
158 public service campaigns.

159 (3) COLLECTION OF INFORMATION AND DATA.—The department
160 shall:

161 (a) Voice-record all incoming or outgoing calls that are
162 received or placed by the central abuse hotline which relate to
163 suspected or known child abuse, neglect, or abandonment. The
164 department shall maintain an electronic copy of each fax and
165 web-based report. The recording or electronic copy of each fax
166 and web-based report must become a part of the record of the
167 report but, notwithstanding s. 39.202, must be released in full
168 only to law enforcement agencies and state attorneys for the
169 purposes of investigating and prosecuting criminal charges
170 pursuant to s. 39.205, or to employees of the department for the
171 purposes of investigating and seeking administrative penalties
172 pursuant to s. 39.206. This paragraph does not prohibit hotline
173 staff from using the recordings, the electronic copies of faxes,
174 or the web-based reports for quality assurance or training.

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175 (b) Secure and install electronic equipment that
176 automatically provides to the hotline the number from which the
177 call or fax is placed or the Internet protocol address from
178 which the report is received. This number shall be entered into
179 the report of abuse, abandonment, or neglect and become a part
180 of the record of the report, but shall enjoy the same
181 confidentiality as provided to the identity of the reporter
182 pursuant to s. 39.202.

183 (c)1. Update the web form used for reporting child abuse,
184 abandonment, or neglect to:

185 a. Include qualifying questions in order to obtain
186 necessary information required to assess need and a response;

187 b. Indicate which fields are required to submit the report;
188 and

189 c. Allow a reporter to save his or her report and return to
190 it at a later time.

191 2. The report must be made available to the counselors in
192 its entirety as needed to update the Florida Safe Families
193 Network or other similar systems.

194 (d) Monitor and evaluate the effectiveness of the
195 department's program for the reporting and investigating of
196 suspected abuse, abandonment, or neglect of children through the
197 development and analysis of statistical and other information.

198 (e) Maintain and produce aggregate statistical reports
199 monitoring patterns of child abuse, child abandonment, and child
200 neglect. The department shall collect and analyze child-on-child
201 sexual abuse reports and include such information in the
202 aggregate statistical reports. The department shall collect and
203 analyze, in separate statistical reports, those reports of child

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204 abuse and sexual abuse which are reported from or which occurred
205 on the campus of any Florida College System institution or state
206 university, as those terms are defined in s. 10021, or any
207 school, as defined in s. 1005.02.

208 (4) EMPLOYMENT SCREENING.—Information received by the
209 central abuse hotline may not be used for employment screening,
210 except as provided in s. 39.202(2)(a) and (h) or s. 402.302(15).

211 (a) Information in the central abuse hotline and the
212 department's automated abuse information system may be used by
213 the department, its authorized agents or contract providers, the
214 Department of Health, or county agencies as part of the
215 licensure or registration process pursuant to ss. 402.301-
216 402.319 and ss. 409.175-409.176.

217 (b) Information in the central abuse hotline may also be
218 used by the Department of Education for purposes of educator
219 certification discipline and review pursuant to s. 39.202(2)(q).

220 (5) QUALITY ASSURANCE.—On an ongoing basis, the
221 department's quality assurance program shall review calls, fax
222 reports, and web-based reports to the hotline involving three or
223 more unaccepted reports on a single child, where jurisdiction
224 applies, in order to detect such things as harassment and
225 situations that warrant an investigation because of the
226 frequency of the reports or the variety of the sources of the
227 reports. A component of the quality assurance program must
228 analyze unaccepted reports to the hotline by identified
229 relatives as a part of the review of screened out calls. The
230 Assistant Secretary for Child Welfare may refer a case for
231 investigation when it is determined, as a result of such review,
232 that an investigation may be warranted.

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233 Section 3. Section 39.201, Florida Statutes, is amended to
234 read:

235 (Substantial rewording of section. See
236 s. 39.201, F.S., for present text.)

237 39.201 Mandatory reports of child abuse, abandonment, or
238 neglect; mandatory reports of death; central abuse hotline.—

239 (1) MANDATORY REPORTING.—

240 (a) Any person who knows, or has reasonable cause to
241 suspect, that any of the following has occurred shall report
242 such knowledge or suspicion to the central abuse hotline on the
243 single statewide toll-free telephone number or via fax, web-
244 based chat, or web-based report pursuant to s. 39.101:

245 1. Child abuse, neglect, or abandonment by a parent or
246 caregiver.—A child is abused, abandoned, or neglected by a
247 parent, legal custodian, caregiver, or other person responsible
248 for the child's welfare, or that a child is in need of
249 supervision and care and has no parent, legal custodian, or
250 responsible adult relative immediately known and available to
251 provide supervision and care.

252 a. Personnel at the department's central abuse hotline
253 shall determine if the report received meets the statutory
254 definition of child abuse, abandonment, or neglect. Any report
255 meeting one of these definitions must be accepted for protective
256 investigation pursuant to part III of this chapter.

257 b. Any call received from a parent or legal custodian
258 seeking assistance for himself or herself which does not meet
259 the criteria for being a report of child abuse, abandonment, or
260 neglect may be accepted by the hotline for response to
261 ameliorate a potential future risk of harm to a child.

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262 c. If it is determined by a child welfare professional that
263 a need for community services exists, the department must refer
264 the parent or legal custodian for appropriate voluntary
265 community services.

266 2. Child abuse by a non-caregiver.—A child is abused by an
267 adult other than a parent, legal custodian, caregiver, or other
268 person responsible for the child's welfare. Such reports or
269 calls must be immediately electronically transferred to the
270 appropriate county sheriff's office by the central abuse
271 hotline.

272 3. Child-on-child sexual abuse.—A child, including a child
273 who is in the custody of the department, is the victim of child-
274 on-child sexual abuse.

275 a. The central abuse hotline shall immediately
276 electronically transfer the report or call to the appropriate
277 county sheriff's office. The department shall conduct an
278 assessment, assist the family in receiving appropriate services
279 pursuant to s. 39.307, and send a written report of the
280 allegation to the appropriate county sheriff's office within 48
281 hours after the initial report is made to the central abuse
282 hotline.

283 b. The department shall ensure that the facts and results
284 of any investigation of child-on-child sexual abuse involving a
285 child in the custody of or under the protective supervision of
286 the department are made known to the court at the next hearing
287 or included in the next report to the court concerning the
288 child.

289 (b) While central abuse hotline counselors are required to
290 receive periodic training in encouraging all reporters to

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291 provide their names when making a report and are required to
292 advise callers that the names of reporters must be entered into
293 the record of the report but are held confidential and exempt as
294 provided in s. 39.202, any reporter in the following
295 occupational categories is required to provide his or her name
296 to the central abuse hotline staff:

297 1. Physician, osteopathic physician, medical examiner,
298 chiropractic physician, nurse, or hospital personnel engaged in
299 the admission, examination, care, or treatment of persons;

300 2. Health professional or mental health professional other
301 than ones listed in subparagraph 1.;

302 3. Practitioner who relies solely on spiritual means for
303 healing;

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

305 5. Social worker, day care center worker, or other
306 professional child care worker, foster care worker, residential
307 worker, or institutional worker;

308 6. Law enforcement officer;

309 7. Judge; or

310 8. Animal control officer as defined in s. 828.27 or agents
311 appointed under s. 828.03.

312 (2) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

313 (a) Abuse occurring out of state.—If a report is of an
314 instance of known or suspected child abuse, abandonment, or
315 neglect that occurred out of state and the alleged perpetrator
316 and the child alleged to be a victim live out of state, the
317 central abuse hotline may not accept the report or call for
318 investigation and shall transfer the information on the report
319 to the appropriate state.

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320 (b) Abuse involving impregnation of a child.—If the report
321 is of an instance of known or suspected child abuse involving
322 impregnation of a child under 16 years of age by a person 21
323 years of age or older solely under s. 827.04(3), the report must
324 be made immediately to the appropriate county sheriff's office
325 or other appropriate law enforcement agency. If the report is of
326 an instance of known or suspected child abuse solely under s.
327 827.04(3), the reporting provisions of this subsection do not
328 apply to health care professionals or other persons who provide
329 medical or counseling services to pregnant children when such
330 reporting would interfere with the provision of medical
331 services.

332 (c) Institutional child abuse or neglect.—Reports involving
333 known or suspected institutional child abuse or neglect, as
334 defined in s. 39.01, must be made and received in the same
335 manner as all other reports made pursuant to this section.

336 (d) Surrendered newborn infants.—Reports involving
337 surrendered newborn infants as described in s. 383.50 must be
338 made and received by the department.

339 1. If the report is of a surrendered newborn infant as
340 described in s. 383.50 and there is no indication of abuse,
341 neglect, or abandonment other than that necessarily entailed in
342 the infant having been left at a hospital, emergency medical
343 services station, or fire station, the department shall provide
344 to the caller the name of a licensed child-placing agency on a
345 rotating basis from a list of licensed child-placing agencies
346 eligible and required to accept physical custody of and to place
347 newborn infants left at a hospital, emergency medical services
348 station, or fire station. The report may not be considered a

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349 report of abuse, neglect, or abandonment solely because the
350 infant has been left at a hospital, emergency medical services
351 station, or fire station pursuant to s. 383.50.

352 2. If the report includes indications of abuse or neglect
353 beyond that necessarily entailed in the infant having been left
354 at a hospital, emergency medical services station, or fire
355 station, the report must be considered as a report of abuse,
356 neglect, or abandonment and must be subject to the requirements
357 of s. 39.395 and all other relevant provisions of this chapter,
358 notwithstanding chapter 383.

359 (3) EXCEPTIONS TO REPORTING.—

360 (a) An additional report of child abuse, abandonment, or
361 neglect does not have to be made by:

362 1. A professional who is hired by or who enters into a
363 contract with the department for the purpose of treating or
364 counseling any person as a result of a report of child abuse,
365 abandonment, or neglect if such person was the subject of the
366 referral for treatment.

367 2. An officer or employee of the judicial branch when the
368 child is currently being investigated by the department, when
369 there is an existing dependency case, or when the matter has
370 previously been reported to the department, if there is
371 reasonable cause to believe that the information is already
372 known to the department. This subparagraph applies only when the
373 information has been provided to the officer or employee in the
374 course of carrying out his or her official duties.

375 3. An officer or employee of a law enforcement agency when
376 the incident under investigation by the law enforcement agency
377 was reported to law enforcement by the central abuse hotline

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378 through the electronic transfer of the report or call. The
379 department's central abuse hotline is not required to
380 electronically transfer calls and reports received pursuant to
381 paragraph (2) (b) to the county sheriff's office if the matter
382 was initially reported to the department by the county sheriff's
383 office or by another law enforcement agency. This subparagraph
384 applies only when the information related to the alleged child
385 abuse has been provided to the officer or employee of a law
386 enforcement agency or central abuse hotline employee in the
387 course of carrying out his or her official duties.

388 (b) Nothing in this chapter or in the contracting with
389 community-based care providers for foster care and related
390 services as specified in s. 409.987 may be construed to remove
391 or reduce the duty and responsibility of any person, including
392 any employee of the community-based care provider, to report a
393 suspected or actual case of child abuse, abandonment, or neglect
394 or the sexual abuse of a child to the department's central abuse
395 hotline.

396 (4) MANDATORY REPORTS OF A CHILD DEATH.—Any person required
397 to report or investigate cases of suspected child abuse,
398 abandonment, or neglect who has reasonable cause to suspect that
399 a child died as a result of child abuse, abandonment, or neglect
400 shall report his or her suspicion to the appropriate medical
401 examiner. The medical examiner shall accept the report for
402 investigation and shall report his or her findings, in writing,
403 to the local law enforcement agency, the appropriate state
404 attorney, and the department. Autopsy reports maintained by the
405 medical examiner are not subject to the confidentiality
406 requirements provided for in s. 39.202.

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407 Section 4. Section 39.208, Florida Statutes, is created to
408 read:

409 39.208 Cross-reporting child and animal abuse and cruelty.-

410 (1) The purpose of this section is to recognize the
411 importance of the strong link between child abuse and animal
412 abuse and cruelty.

413 (2) Any person who is required to investigate child abuse,
414 abandonment, or neglect and who knows or has reasonable cause to
415 suspect that abuse, neglect, cruelty, or abandonment of an
416 animal has occurred must report such knowledge or suspicion
417 within 24 hours to the local animal control officer or an agent
418 appointed under s. 828.03. If no local animal control officer or
419 agent exists, the report must be made to the appropriate local
420 law enforcement agency.

421 (3) The report must include all of the following
422 information:

423 (a) A description of the animal.

424 (b) A description of any injury, cruelty, or abuse of the
425 animal, including any evidence of prior injury, cruelty, or
426 abuse of the animal or of other animals.

427 (c) Any evidence of neglect or abandonment of the animal,
428 including any evidence of prior neglect or abandonment of the
429 animal or of other animals.

430 (d) The name and address of the person or persons alleged
431 to be responsible for causing the injury, abuse, neglect,
432 cruelty, or abandonment of the animal.

433 (e) The source of the report.

434 (f) Any action taken by the reporting source with regard to
435 the injury, abuse, neglect, cruelty, or abandonment of the

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436 animal.

437 (g) The name, address, and telephone number of the person
438 making the report.

439 (4) A person who is required to report known or suspected
440 abuse, neglect, cruelty, or abandonment of an animal and who
441 knowingly and willfully fails to do so commits a misdemeanor of
442 the second degree, punishable as provided in s. 775.082 or s.
443 775.083.

444 (5) The department's training program for persons who are
445 required to investigate child abuse, abandonment, or neglect
446 must include training on identifying harm to, neglect of, and
447 cruelty toward animals and on the strong link between animal
448 abuse and cruelty and child welfare case practice.

449 Section 5. Subsections (1) and (2) of section 39.302,
450 Florida Statutes, are amended to read:

451 39.302 Protective investigations of institutional child
452 abuse, abandonment, or neglect.-

453 (1) The department shall conduct a child protective
454 investigation of each report of institutional child abuse,
455 abandonment, or neglect. Upon receipt of a report that alleges
456 that an employee or agent of the department, or any other entity
457 or person covered by s. 39.01(37) or (54), acting in an official
458 capacity, has committed an act of child abuse, abandonment, or
459 neglect, the department shall initiate a child protective
460 investigation within the timeframe established under s.
461 39.101(1) ~~s. 39.201(5)~~ and notify the appropriate state
462 attorney, law enforcement agency, and licensing agency, which
463 shall immediately conduct a joint investigation, unless
464 independent investigations are more feasible. When conducting

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465 investigations or having face-to-face interviews with the child,
466 investigation visits shall be unannounced unless it is
467 determined by the department or its agent that unannounced
468 visits threaten the safety of the child. If a facility is exempt
469 from licensing, the department shall inform the owner or
470 operator of the facility of the report. Each agency conducting a
471 joint investigation is entitled to full access to the
472 information gathered by the department in the course of the
473 investigation. A protective investigation must include an
474 interview with the child's parent or legal guardian. The
475 department shall make a full written report to the state
476 attorney within 3 working days after making the oral report. A
477 criminal investigation shall be coordinated, whenever possible,
478 with the child protective investigation of the department. Any
479 interested person who has information regarding the offenses
480 described in this subsection may forward a statement to the
481 state attorney as to whether prosecution is warranted and
482 appropriate. Within 15 days after the completion of the
483 investigation, the state attorney shall report the findings to
484 the department and shall include in the report a determination
485 of whether or not prosecution is justified and appropriate in
486 view of the circumstances of the specific case.

487 (2) (a) If in the course of the child protective
488 investigation, the department finds that a subject of a report,
489 by continued contact with children in care, constitutes a
490 threatened harm to the physical health, mental health, or
491 welfare of the children, the department may restrict a subject's
492 access to the children pending the outcome of the investigation.
493 The department or its agent shall employ the least restrictive

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494 means necessary to safeguard the physical health, mental health,
495 and welfare of the children in care. This authority shall apply
496 only to child protective investigations in which there is some
497 evidence that child abuse, abandonment, or neglect has occurred.
498 A subject of a report whose access to children in care has been
499 restricted is entitled to petition the circuit court for
500 judicial review. The court shall enter written findings of fact
501 based upon the preponderance of evidence that child abuse,
502 abandonment, or neglect did occur and that the department's
503 restrictive action against a subject of the report was justified
504 in order to safeguard the physical health, mental health, and
505 welfare of the children in care. The restrictive action of the
506 department shall be effective for no more than 90 days without a
507 judicial finding supporting the actions of the department.

508 (b) In an institutional investigation, the alleged
509 perpetrator may be represented by an attorney, at his or her own
510 expense, or may be accompanied by another person, if the
511 attorney or the person executes an affidavit of understanding
512 with the department and agrees to comply with the
513 confidentiality requirements under s. 39.202. The absence of an
514 attorney or an accompanying person does not prevent the
515 department from proceeding with other aspects of the
516 investigation, including interviews with other persons. In
517 institutional child abuse cases when the institution is not
518 operational and the child cannot otherwise be located, the
519 investigation must commence immediately upon the resumption of
520 operation. If requested by a state attorney or local law
521 enforcement agency, the department shall furnish all
522 investigative reports to such state attorney or agency.

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523 ~~(c)~~ Upon completion of the department's child protective
524 investigation, the department may make application to the
525 circuit court for continued restrictive action against any
526 person necessary to safeguard the physical health, mental
527 health, and welfare of the children in care.

528 Section 6. Paragraph (a) of subsection (4) of section
529 828.27, Florida Statutes, is amended to read:

530 828.27 Local animal control or cruelty ordinances;
531 penalty.—

532 (4) (a) 1. County-employed animal control officers must, and
533 municipally employed animal control officers may, successfully
534 complete a 40-hour minimum standards training course. Such
535 course must include, but is not limited to, training for: ~~animal~~
536 cruelty investigations; ~~search and seizure;~~ animal handling;
537 courtroom demeanor; ~~and civil citations;~~ and detecting child
538 abuse, neglect, and abandonment. The course curriculum must be
539 approved by the Florida Animal Control Association. An animal
540 control officer who successfully completes such course shall be
541 issued a certificate indicating that he or she has received a
542 passing grade.

543 2. Any animal control officer who is authorized before
544 January 1, 1990, by a county or municipality to issue citations
545 is not required to complete the minimum standards training
546 course.

547 3. In order to maintain valid certification, every 2 years
548 each certified animal control officer must complete 4 hours of
549 postcertification continuing education training. Such training
550 may include, but is not limited to, training for: animal cruelty
551 investigations, search and seizure, animal handling, courtroom

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552 demeanor, and civil citations.

553 Section 7. Subsection (1) and paragraph (a) of subsection
554 (2) of section 39.307, Florida Statutes, are amended to read:

555 39.307 Reports of child-on-child sexual abuse.—

556 (1) Upon receiving a report alleging child-on-child
557 ~~juvenile~~ sexual abuse or inappropriate sexual behavior as
558 defined in s. 39.01, the department shall assist the family,
559 child, and caregiver in receiving appropriate services to
560 address the allegations of the report.

561 (a) The department shall ensure that information describing
562 the child's history of child sexual abuse is included in the
563 child's electronic record. This record must also include
564 information describing the services the child has received as a
565 result of his or her involvement with child sexual abuse.

566 (b) Placement decisions for a child who has been involved
567 with child sexual abuse must include consideration of the needs
568 of the child and any other children in the placement.

569 (c) The department shall monitor the occurrence of child
570 sexual abuse and the provision of services to children involved
571 in child-on-child ~~child sexual abuse or juvenile~~ sexual abuse,
572 or who have displayed inappropriate sexual behavior.

573 (2) The department, contracted sheriff's office providing
574 protective investigation services, or contracted case management
575 personnel responsible for providing services, at a minimum,
576 shall adhere to the following procedures:

577 (a) The purpose of the response to a report alleging child-
578 on-child ~~juvenile~~ sexual abuse behavior or inappropriate sexual
579 behavior shall be explained to the caregiver.

580 1. The purpose of the response shall be explained in a

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581 manner consistent with legislative purpose and intent provided
582 in this chapter.

583 2. The name and office telephone number of the person
584 responding shall be provided to the caregiver of the alleged
585 abuser or child who has exhibited inappropriate sexual behavior
586 and the victim's caregiver.

587 3. The possible consequences of the department's response,
588 including outcomes and services, shall be explained to the
589 caregiver of the alleged abuser or child who has exhibited
590 inappropriate sexual behavior and the victim's caregiver.

591 Section 8. Subsection (6) of section 39.301, Florida
592 Statutes, is amended to read:

593 39.301 Initiation of protective investigations.—

594 (6) Upon commencing an investigation under this part, if a
595 report was received from a reporter under s. 39.201(1)(a)2. ~~s.~~
596 ~~39.201(1)(b)~~, the protective investigator must provide his or
597 her contact information to the reporter within 24 hours after
598 being assigned to the investigation. The investigator must also
599 advise the reporter that he or she may provide a written summary
600 of the report made to the central abuse hotline to the
601 investigator which shall become a part of the electronic child
602 welfare case file.

603 Section 9. Paragraph (g) of subsection (2) of section
604 934.03, Florida Statutes, is amended to read:

605 934.03 Interception and disclosure of wire, oral, or
606 electronic communications prohibited.—

607 (2)

608 (g) It is lawful under this section and ss. 934.04-934.09
609 for an employee of:

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- 610 1. An ambulance service licensed pursuant to s. 401.25, a
611 fire station employing firefighters as defined by s. 633.102, a
612 public utility, a law enforcement agency as defined by s.
613 934.02(10), or any other entity with published emergency
614 telephone numbers;
- 615 2. An agency operating an emergency telephone number "911"
616 system established pursuant to s. 365.171; or
- 617 3. The central abuse hotline operated pursuant to s. 39.101
618 ~~s. 39.201~~
- 619
- 620 to intercept and record incoming wire communications; however,
621 such employee may intercept and record incoming wire
622 communications on designated "911" telephone numbers and
623 published nonemergency telephone numbers staffed by trained
624 dispatchers at public safety answering points only. It is also
625 lawful for such employee to intercept and record outgoing wire
626 communications to the numbers from which such incoming wire
627 communications were placed when necessary to obtain information
628 required to provide the emergency services being requested. For
629 the purpose of this paragraph, the term "public utility" has the
630 same meaning as provided in s. 366.02 and includes a person,
631 partnership, association, or corporation now or hereafter owning
632 or operating equipment or facilities in the state for conveying
633 or transmitting messages or communications by telephone or
634 telegraph to the public for compensation.
- 635 Section 10. This act shall take effect July 1, 2019.