

FOR CONSIDERATION By the Committee on Children, Families, and Elder Affairs

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1 A bill to be entitled
2 An act relating to reporting abuse, abandonment, and
3 neglect; amending s. 39.01, F.S.; deleting the terms
4 "juvenile sexual abuse" and "child who has exhibited
5 inappropriate sexual behavior"; defining the term
6 "child-on-child sexual abuse"; conforming cross-
7 references; creating s. 39.101, F.S.; relocating
8 existing provisions relating to the central abuse
9 hotline of the Department of Children and Families;
10 providing additional requirements relating to the
11 hotline; amending s. 39.201, F.S.; revising when a
12 person is required to report to the central abuse
13 hotline; requiring the department to conduct a child
14 protective investigation under certain circumstances;
15 requiring the department to notify certain persons and
16 agencies when certain child protection investigations
17 are initiated; providing requirements relating to such
18 investigations; requiring animal control officers and
19 certain agents to provide their names to hotline
20 staff; requiring central abuse hotline counselors to
21 advise reporters of certain information; requiring
22 that counselors receive specified periodic training;
23 revising requirements relating to reports of abuse
24 involving impregnation of children; amending s.
25 39.205, F.S.; providing penalties for the failure to
26 report known or suspected child abuse, abandonment, or
27 neglect; providing construction; specifying that
28 certain persons are not relieved from the duty to
29 report by notifying a supervisor; creating s. 39.208,

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30 F.S.; providing legislative findings and intent;
31 providing responsibilities for child protective
32 investigators relating to animal abuse and neglect;
33 providing criminal, civil, and administrative immunity
34 to certain persons; providing responsibilities for
35 animal control officers relating to child abuse,
36 abandonment, and neglect; providing criminal
37 penalties; requiring the department to develop certain
38 training in consultation with the Florida Animal
39 Control Association which relates to child and animal
40 abuse, abandonment, and neglect; requiring the
41 department to adopt rules; amending s. 39.302, F.S.;
42 conforming cross-references; authorizing certain
43 persons to be represented by an attorney during
44 institutional investigations and under certain
45 circumstances; providing requirements relating to
46 institutional investigations; amending s. 828.126,
47 F.S.; providing a purpose; revising the definition of
48 the term "sexual contact"; revising prohibitions
49 relating to sexual conduct and sexual contact with an
50 animal; revising criminal penalties; requiring a court
51 to issue certain orders; amending s. 828.27, F.S.;
52 requiring certain animal control officers to complete
53 specified training; providing requirements for the
54 training; amending s. 921.0022, F.S.; assigning
55 offense severity rankings for sexual activities
56 involving animals; amending s. 1006.061, F.S.;
57 conforming provisions to changes made by the act;
58 requiring the Department of Education to coordinate

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59 with the Department of Children and Families to
60 develop, update, and publish certain notices; amending
61 s. 1012.795, F.S.; requiring the Education Practices
62 Commission to suspend the educator certificate of
63 certain personnel and administrators for failing to
64 report known or suspected child abuse; amending s.
65 39.307, F.S.; conforming provisions to changes made by
66 the act; amending ss. 39.202, 39.301, 39.521, 39.6012,
67 322.09, 394.495, 627.746, 934.03, 934.255, and
68 960.065, F.S.; conforming cross-references; providing
69 an effective date.

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. Present subsections (8) through (12) and (15)
74 through (87) of section 39.01, Florida Statutes, are
75 redesignated as subsections (7) through (11) and (14) through
76 (86), respectively, a new subsection (12) is added to that
77 section, and present subsections (7), (10), (14), and (37) of
78 that section are amended, to read:

79 39.01 Definitions.—When used in this chapter, unless the
80 context otherwise requires:

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

85 ~~(a) "Coercion" means the exploitation of authority or the~~
86 ~~use of bribes, threats of force, or intimidation to gain~~
87 ~~cooperation or compliance.~~

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

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

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

95 ~~2. Knowledge of societal standards for what is being~~
96 ~~proposed.~~

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

98 ~~4. Assumption that agreement or disagreement will be~~
99 ~~accepted equally.~~

100 ~~5. Voluntary decision.~~

101 ~~6. Mental competence.~~

102
103 ~~Juvenile sexual behavior ranges from noncontact sexual behavior~~
104 ~~such as making obscene phone calls, exhibitionism, voyeurism,~~
105 ~~and the showing or taking of lewd photographs to varying degrees~~
106 ~~of direct sexual contact, such as frottage, fondling, digital~~
107 ~~penetration, rape, fellatio, sodomy, and various other sexually~~
108 ~~aggressive acts.~~

109 ~~(9)(10)~~ "Caregiver" means the parent, legal custodian,
110 permanent guardian, adult household member, or other person
111 responsible for a child's welfare as defined in subsection (53)
112 ~~(54)~~.

113 (12) (a) "Child-on-child sexual abuse" means inappropriate
114 sexual activity or behavior between children and without the
115 direct involvement of an adult which:

116 1. Is overt and deliberate;

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117 2. Is directed at sexual stimulation; and

118 3.a. Occurs without consent or without equality mentally,
119 physically, or in age; or

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

121 (b) For purposes of this subsection, the following
122 definitions apply:

123 1. "Coercion" means the exploitation of authority or the
124 use of bribes, threats of force, or intimidation to gain
125 cooperation or compliance.

126 2. "Consent" means an agreement including all of the
127 following:

128 a. Understanding of what is proposed which is based on age,
129 maturity, and developmental level.

130 b. Knowledge of societal standards for what is being
131 proposed.

132 c. Awareness of the potential consequences.

133 d. Assumption that participation or nonparticipation will
134 be accepted equally.

135 e. Voluntariness of decisions made.

136 f. Mental competence.

137 3. "Equality" means two participants operating with the
138 same level of power in a relationship, without one being
139 controlled or coerced by the other.

140
141 The term includes both noncontact sexual behavior, such as
142 making obscene phone calls, exhibitionism, voyeurism, and the
143 showing or taking of lewd photographs, and direct sexual
144 contact, such as frottage, fondling, digital penetration, rape,
145 fellatio, sodomy, and various other sexually aggressive acts.

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146 Child-on-child sexual abuse does not include normative sexual
147 play or anatomical curiosity and exploration.

148 ~~(14) "Child who has exhibited inappropriate sexual~~
149 ~~behavior" means a child who has been found by the department or~~
150 ~~the court to have committed an inappropriate sexual act.~~

151 ~~(36)~~~~(37)~~ "Institutional child abuse or neglect" means
152 situations of known or suspected child abuse or neglect in which
153 the person allegedly perpetrating the child abuse or neglect is
154 an employee of a public or private school, public or private day
155 care center, residential home, institution, facility, or agency
156 or any other person at such institution responsible for the
157 child's welfare as defined in subsection (53) ~~(54)~~.

158 Section 2. Section 39.101, Florida Statutes, is created to
159 read:

160 39.101 Central abuse hotline.—The central abuse hotline is
161 the first step in the safety assessment and investigation
162 process.

163 (1) ESTABLISHMENT AND OPERATION.—The department shall
164 establish and maintain a central abuse hotline capable of
165 receiving, 24 hours a day, 7 days a week, all reports of known
166 or suspected child abuse, abandonment, or neglect and reports
167 that a child is in need of supervision and care and has no
168 parent, legal custodian, or responsible adult relative
169 immediately known and available to provide supervision and care
170 when such reports are made pursuant to s. 39.201. Reports may be
171 made in writing, through a single statewide toll-free telephone
172 number, or through electronic reporting. Any person may use any
173 of these methods to make a report at any hour of the day or
174 night, on any day of the week.

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175 (a) If it appears that the immediate safety or well-being
176 of a child is endangered, that the family may flee or the child
177 will be unavailable for purposes of conducting a child
178 protective investigation, or that the facts otherwise so
179 warrant, the department must commence an investigation
180 immediately, regardless of the time of day or night.

181 (b) In all other child abuse, abandonment, or neglect
182 cases, a child protective investigation must be commenced within
183 24 hours after receipt of the report.

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

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

189 (b) Determine whether the allegations made by the reporter
190 require an immediate or a 24-hour response priority.

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

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

197 (e) When appropriate, refer calls that do not allege the
198 abuse, neglect, or abandonment of a child to other organizations
199 that may better resolve the reporter's concerns.

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

203 (g) Initiate and enter into agreements with other states

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204 for the purposes of gathering and sharing information contained
205 in reports on child maltreatment to further enhance programs for
206 the protection of children.

207 (h) Promote public awareness of the central abuse hotline
208 through community-based partner organizations and public service
209 campaigns.

210 (3) COLLECTION OF INFORMATION AND DATA.—The department
211 shall:

212 (a) Voice-record all incoming or outgoing calls that are
213 received or placed by the central abuse hotline which relate to
214 suspected or known child abuse, neglect, or abandonment. The
215 department shall maintain an electronic copy of each electronic
216 report. The recording or electronic copy of each electronic
217 report must become a part of the record of the report but,
218 notwithstanding s. 39.202, must be released in full only to law
219 enforcement agencies and state attorneys for the purposes of
220 investigating and prosecuting criminal charges pursuant to s.
221 39.205, or to employees of the department for the purposes of
222 investigating and seeking administrative penalties pursuant to
223 s. 39.206. This paragraph does not prohibit hotline staff from
224 using the recordings or the electronic reports for quality
225 assurance or training.

226 (b) Secure and install electronic equipment that
227 automatically provides to the hotline the number from which the
228 call or fax is placed or the Internet protocol address from
229 which the report is received. This number shall be entered into
230 the report of abuse, abandonment, or neglect and become a part
231 of the record of the report, but shall enjoy the same
232 confidentiality as provided to the identity of the reporter

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233 pursuant to s. 39.202.

234 (c)1. Update the web form used for reporting child abuse,
235 abandonment, or neglect to include qualifying questions in order
236 to obtain necessary information required to assess need and a
237 response.

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

241 (d) Monitor and evaluate the effectiveness of the reporting
242 and investigating of suspected abuse, abandonment, or neglect of
243 children through the development and analysis of statistical and
244 other information.

245 (e) Maintain and produce aggregate statistical reports
246 monitoring patterns of child abuse, child abandonment, and child
247 neglect. The department shall collect and analyze child-on-child
248 sexual abuse reports and include such information in the
249 aggregate statistical reports. The department shall collect and
250 analyze, in separate statistical reports, those reports of child
251 abuse and sexual abuse which are reported from or which occurred
252 on school premises; on school transportation; at school-
253 sponsored off-campus events; at any school readiness program
254 provider determined to be eligible under s. 1002.88; at a
255 private prekindergarten provider or a public school
256 prekindergarten provider, as those terms are defined in s.
257 1002.51; at a public K-12 school as described in s. 1000.04; at
258 a home education program or a private school, as those terms are
259 defined in s. 1002.01; at a Florida College System institution
260 or a state university, as those terms are defined in s. 1000.21;
261 or at any school, as defined in s. 1005.02.

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

265 (a) Information in the central abuse hotline and the
266 department's automated abuse information system may be used by
267 the department, its authorized agents or contract providers, the
268 Department of Health, or county agencies as part of the
269 licensure or registration process pursuant to ss. 402.301-
270 402.319 and ss. 409.175-409.176.

271 (b) Information in the central abuse hotline may also be
272 used by the Department of Education for purposes of educator
273 certification discipline and review pursuant to s. 39.202(2)(g).

274 (5) QUALITY ASSURANCE.—On an ongoing basis, the
275 department's quality assurance program shall review screened-out
276 reports involving three or more unaccepted reports on a single
277 child, where jurisdiction applies, in order to detect such
278 things as harassment and situations that warrant an
279 investigation because of the frequency of the reports or the
280 variety of the sources of the reports. A component of the
281 quality assurance program must analyze unaccepted reports to the
282 hotline by identified relatives as a part of the review of
283 screened-out calls. The Assistant Secretary for Child Welfare
284 may refer a case for investigation when it is determined, as a
285 result of such review, that an investigation may be warranted.

286 Section 3. Section 39.201, Florida Statutes, is amended to
287 read:

288 (Substantial rewording of section. See

289 s. 39.201, F.S., for present text.)

290 39.201 Required reports of child abuse, abandonment,

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291 neglect, and child-on-child sexual abuse; required reports of
292 death.-

293 (1) REQUIRED REPORTING.-

294 (a) Individuals required to report.-Any person who knows,
295 or has reasonable cause to suspect, that any of the following
296 has occurred shall report such knowledge or suspicion to the
297 central abuse hotline on the single statewide toll-free
298 telephone number or by electronic report pursuant to s. 39.101:

299 1. Child abuse, neglect, or abandonment by a parent or
300 caregiver.-A child is abused, abandoned, or neglected by a
301 parent, legal custodian, caregiver, or other person responsible
302 for the child's welfare, or that a child is in need of
303 supervision and care and has no parent, legal custodian, or
304 responsible adult relative immediately known and available to
305 provide supervision and care.

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

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

316 c. If it is determined by a child welfare professional that
317 a need for community services exists, the department must refer
318 the parent or legal custodian for appropriate voluntary
319 community services.

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320 2. Child abuse by a noncaregiver.—A child is abused by an
321 adult other than a parent, legal custodian, caregiver, or other
322 person responsible for the child's welfare. Such reports must be
323 immediately electronically transferred to the appropriate county
324 sheriff's office by the central abuse hotline.

325 3. Child-on-child sexual abuse.—A child, including a child
326 who is in the custody of, or under the protective supervision
327 of, the department is the victim of child-on-child sexual abuse.

328 a. The department shall conduct an assessment, assist the
329 family in receiving appropriate services pursuant to s. 39.307,
330 and send a written report of the allegation to the appropriate
331 county sheriff's office within 48 hours after the initial report
332 is made to the central abuse hotline.

333 b. The department shall ensure that the facts and results
334 of any investigation of child-on-child sexual abuse involving a
335 child in the custody of, or under the protective supervision of,
336 the department are made known to the court at the next hearing
337 or included in the next report to the court concerning the
338 child.

339 c. In addition to conducting an assessment and assisting
340 the family in receiving appropriate services, the department
341 shall conduct a child protective investigation of child-on-child
342 sexual abuse that occurs on school premises; on school
343 transportation; at school-sponsored off-campus events; at a
344 public or private school readiness or prekindergarten program;
345 at a public K-12 school; or at a home education program or a
346 private school. Upon receipt of a report that alleges that a
347 student has been the victim of an act of child-on-child sexual
348 abuse perpetrated by another student or students, the department

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349 shall initiate a child protective investigation within the
350 timeframes established under s. 39.101(1) and notify the
351 Department of Education; the law enforcement agency having
352 jurisdiction over the municipality or county in which the school
353 is located; and, as appropriate, the superintendent of the
354 school district where the school is located, the administrative
355 officer of the private school, or the owner of the private
356 school readiness or prekindergarten provider. The protective
357 investigation must include an interview with the child's parent
358 or legal guardian. The department shall make a full written
359 report to the law enforcement agency within 3 working days after
360 making the oral report. Whenever possible, any criminal
361 investigation must be coordinated with the department's child
362 protective investigation. Any interested person who has
363 information regarding such abuse may forward a statement to the
364 department.

365 (b) *Individuals required to provide their name when*
366 *reporting.*—While all individuals are required to report, and
367 members of the general public may report anonymously if they
368 choose, reporters in the following occupational categories are
369 required to provide his or her name to the central abuse hotline
370 staff:

371 1. Physician, osteopathic physician, medical examiner,
372 chiropractic physician, nurse, or hospital personnel engaged in
373 the admission, examination, care, or treatment of persons;

374 2. Health professional or mental health professional other
375 than ones listed in subparagraph 1.;

376 3. Practitioner who relies solely on spiritual means for
377 healing;

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

379 5. Social worker, day care center worker, or other
380 professional child care worker, foster care worker, residential
381 worker, or institutional worker;

382 6. Law enforcement officer;

383 7. Judge; or

384 8. Animal control officer as defined in s. 828.27 or agents
385 appointed under s. 828.03.

386 (c) Confidentiality of reporter names.—Central abuse
387 hotline counselors shall advise reporters that, while their
388 names must be entered into the record of the report, the names
389 of reporters are held confidential and exempt as provided in s.
390 39.202. Counselors must receive periodic training in encouraging
391 all reporters to provide their names when making a report.

392 (2) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

393 (a) Abuse occurring out of state.—If a report is of an
394 instance of known or suspected child abuse, abandonment, or
395 neglect which occurred out of state and the alleged perpetrator
396 and the child alleged to be a victim are living out of state,
397 the central abuse hotline may not accept the report or call for
398 investigation unless the child is currently being evaluated in a
399 medical facility in this state.

400 1. If the child is currently being evaluated in a medical
401 facility in this state, the central abuse hotline shall accept
402 the report or call for investigation and shall transfer the
403 information on the report or call to the appropriate state or
404 country.

405 2. If the child is not currently being evaluated in a
406 medical facility in this state, the central abuse hotline shall

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407 transfer the information on the report or call to the
408 appropriate state or county.

409 (b) Abuse reports received from emergency room physicians.-
410 The department must initiate an investigation when it receives a
411 report from an emergency room physician.

412 (c) Abuse involving impregnation of a child.-If the report
413 is of an instance of known or suspected child abuse involving
414 impregnation of a child under 16 years of age by a person 21
415 years of age or older solely under s. 827.04(3), and such person
416 is not a caregiver, the report must be immediately
417 electronically transferred to the appropriate county sheriff's
418 office by the central abuse hotline.

419 (d) Institutional child abuse or neglect.-Reports involving
420 known or suspected institutional child abuse or neglect, as
421 defined in s. 39.01, must be made and received in the same
422 manner as all other reports made pursuant to this section.

423 (e) Surrendered newborn infants.-Reports involving
424 surrendered newborn infants as described in s. 383.50 must be
425 made and received by the department.

426 1. If the report is of a surrendered newborn infant as
427 described in s. 383.50 and there is no indication of abuse,
428 neglect, or abandonment other than that necessarily entailed in
429 the infant having been left at a hospital, emergency medical
430 services station, or fire station, the department shall provide
431 to the caller the name of a licensed child-placing agency on a
432 rotating basis from a list of licensed child-placing agencies
433 eligible and required to accept physical custody of and to place
434 newborn infants left at a hospital, emergency medical services
435 station, or fire station. The report may not be considered a

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

439 2. If the report includes indications of abuse or neglect
440 beyond that necessarily entailed in the infant having been left
441 at a hospital, emergency medical services station, or fire
442 station, the report must be considered as a report of abuse,
443 neglect, or abandonment and must be subject to the requirements
444 of s. 39.395 and all other relevant provisions of this chapter,
445 notwithstanding chapter 383.

446 (3) EXCEPTIONS TO REPORTING.—

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

449 1. A professional who is hired by or who enters into a
450 contract with the department for the purpose of treating or
451 counseling any person as a result of a report of child abuse,
452 abandonment, or neglect if such person was the subject of the
453 referral for treatment.

454 2. An officer or employee of the judicial branch when the
455 child is currently being investigated by the department, when
456 there is an existing dependency case, or when the matter has
457 previously been reported to the department, if there is
458 reasonable cause to believe that the information is already
459 known to the department. This subparagraph applies only when the
460 information has been provided to the officer or employee in the
461 course of carrying out his or her official duties.

462 3. An officer or employee of a law enforcement agency when
463 the incident under investigation by the law enforcement agency
464 was reported to law enforcement by the central abuse hotline

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465 through the electronic transfer of the report or call. The
466 department's central abuse hotline is not required to
467 electronically transfer calls and reports received pursuant to
468 paragraph (2) (b) to the county sheriff's office if the matter
469 was initially reported to the department by the county sheriff's
470 office or by another law enforcement agency. This subparagraph
471 applies only when the information related to the alleged child
472 abuse has been provided to the officer or employee of a law
473 enforcement agency or central abuse hotline employee in the
474 course of carrying out his or her official duties.

475 (b) Nothing in this chapter or in the contracting with
476 community-based care providers for foster care and related
477 services as specified in s. 409.987 may be construed to remove
478 or reduce the duty and responsibility of any person, including
479 any employee of the community-based care provider, to report a
480 suspected or actual case of child abuse, abandonment, or neglect
481 or the sexual abuse of a child to the department's central abuse
482 hotline.

483 (4) MANDATORY REPORTS OF A CHILD DEATH.—Any person required
484 to report or investigate cases of suspected child abuse,
485 abandonment, or neglect who has reasonable cause to suspect that
486 a child died as a result of child abuse, abandonment, or neglect
487 shall report his or her suspicion to the appropriate medical
488 examiner. The medical examiner shall accept the report for
489 investigation and shall report his or her findings, in writing,
490 to the local law enforcement agency, the appropriate state
491 attorney, and the department. Autopsy reports maintained by the
492 medical examiner are not subject to the confidentiality
493 requirements provided for in s. 39.202.

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494 Section 4. Present subsections (3) through (10) of section
495 39.205, Florida Statutes, are redesignated as subsections (4)
496 through (11), respectively, new subsection (3) and subsection
497 (12) are added to that section, and present subsections (1),
498 (3), (4), and (5) of that section are amended, to read:

499 39.205 Penalties relating to reporting of child abuse,
500 abandonment, or neglect.—

501 (1) A person ~~who is required to report known or suspected~~
502 ~~child abuse, abandonment, or neglect and~~ who knowingly and
503 willfully fails to report known or suspected child abuse,
504 abandonment, or neglect ~~do so,~~ or who knowingly and willfully
505 prevents another person from doing so, commits a felony of the
506 third degree, punishable as provided in s. 775.082, s. 775.083,
507 or s. 775.084. A judge subject to discipline pursuant to s. 12,
508 Art. V of the Florida Constitution shall not be subject to
509 criminal prosecution when the information was received in the
510 course of official duties.

511 (3) Any school readiness program provider determined to be
512 eligible under s. 1002.88; private prekindergarten provider or
513 public school prekindergarten provider, as those terms are
514 defined in s. 1002.51; public K-12 school as described in s.
515 1000.04; home education program as defined in s. 1002.01; or
516 private school as defined in s. 1002.01; that accepts
517 scholarship students who participate in a state scholarship
518 program under chapter 1002, whose employees knowingly and
519 willingly fail to report known or suspected child abuse,
520 abandonment, or neglect to the central abuse hotline pursuant to
521 this chapter, is subject to a penalty for each such failure.

522 (a) An early learning coalition may suspend or terminate a

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523 provider from participating in the school readiness program or
524 Voluntary Prekindergarten Education Program if an employee of
525 the provider fails to report known or suspected child abuse,
526 abandonment, or neglect.

527 (b) If the State Board of Education determines that
528 policies of the district school board regarding reporting known
529 or suspected child abuse, abandonment, or neglect by school
530 employees do not comply with statute or state board rule, the
531 state board may enforce compliance pursuant to s. 1008.32.

532 (c) The Department of Education may prohibit a private
533 school whose employees fail to report known or suspected child
534 abuse, abandonment, or neglect from enrolling new students in a
535 state scholarship program under chapter 1002 for 1 fiscal year.
536 If employees at a private school knew of, should have known of,
537 or suspected child abuse, abandonment, or neglect in two or more
538 instances, the Commissioner of Education may determine that the
539 private school is ineligible to participate in scholarship
540 programs.

541 (4)~~(3)~~ Any Florida College System institution, state
542 university, or nonpublic college, university, or school, as
543 defined in s. 1000.21 or s. 1005.02, whose administrators
544 ~~knowingly and willfully~~, upon receiving information from
545 faculty, staff, or other institution employees, knowingly and
546 willfully fail to report to the central abuse hotline pursuant
547 to this chapter known or suspected child abuse, abandonment, or
548 neglect committed on the property of the university, college, or
549 school, or during an event or function sponsored by the
550 university, college, or school, or who knowingly and willfully
551 prevent another person from doing so, shall be subject to fines

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552 of \$1 million for each such failure.

553 (a) A Florida College System institution subject to a fine
554 shall be assessed by the State Board of Education.

555 (b) A state university subject to a fine shall be assessed
556 by the Board of Governors.

557 (c) A nonpublic college, university, or school subject to a
558 fine shall be assessed by the Commission for Independent
559 Education.

560 (5)~~(4)~~ Any Florida College System institution, state
561 university, or nonpublic college, university, or school, as
562 defined in s. 1000.21 or s. 1005.02, whose law enforcement
563 agency fails to report to the central abuse hotline pursuant to
564 this chapter known or suspected child abuse, abandonment, or
565 neglect committed on the property of the university, college, or
566 school, or during an event or function sponsored by the
567 university, college, or school, shall be subject to fines of \$1
568 million for each such failure, assessed in the same manner as
569 specified in subsection (4) ~~(3)~~.

570 (5) Any Florida College System institution, state
571 university, or nonpublic college, university, or school, as
572 defined in s. 1000.21 or s. 1005.02, shall have the right to
573 challenge the determination that the institution acted knowingly
574 and willfully under subsection (4) ~~(3)~~ or subsection (5) ~~(4)~~ in
575 an administrative hearing pursuant to s. 120.57; however, if it
576 is found that actual knowledge and information of known or
577 suspected child abuse was in fact received by the institution's
578 administrators and was not reported, a presumption of a knowing
579 and willful act will be established.

580 (12) This section may not be construed to remove or reduce

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581 the requirement of any person, including any employee of a
582 school readiness program provider determined to be eligible
583 under s. 1002.88; a private prekindergarten provider or a public
584 school prekindergarten provider, as those terms are defined in
585 s. 1002.51; a public K-12 school as described in s. 1000.04; a
586 home education program or a private school, as those terms are
587 defined in s. 1002.01; a Florida College System institution or a
588 state university, as those terms are defined in s. 1000.21; a
589 college as defined in s. 1005.02; or a school as defined in s.
590 1005.02; to directly report a suspected or actual case of child
591 abuse, abandonment, or neglect or the sexual abuse of a child to
592 the department's central abuse hotline pursuant to this chapter.
593 A person required to report to the central abuse hotline is not
594 relieved of the obligation by notifying his or her supervisor.

595 Section 5. Section 39.208, Florida Statutes, is created to
596 read:

597 39.208 Cross-reporting child and animal abuse and neglect.-

598 (1) LEGISLATIVE FINDINGS AND INTENT.-

599 (a) The Legislature recognizes that animal abuse of any
600 kind is a type of interpersonal violence and often co-occurs
601 with child abuse and other forms of family violence, including
602 elder abuse and domestic violence. Early identification of
603 animal abuse is another important tool in safeguarding children
604 from abuse and neglect, providing needed support to families,
605 and protecting animals.

606 (b) The Legislature finds that education and training for
607 child protective investigators and animal care and control
608 personnel should include information on the link between the
609 welfare of animals in the family and child safety and

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610 protection.

611 (c) Therefore, it is the intent of the Legislature to
612 require reporting and cross-reporting protocols and
613 collaborative training between child protective services and
614 animal control services personnel to help protect the safety and
615 well-being of children, their families, and their animals.

616 (2) RESPONSIBILITIES OF CHILD PROTECTIVE INVESTIGATORS.—Any
617 person who is required to investigate child abuse, abandonment,
618 or neglect under this chapter and who, while acting in his or
619 her professional capacity or within the scope of employment,
620 knows or has reasonable cause to suspect that abuse, neglect, or
621 abandonment of an animal has occurred at the same address shall
622 report such knowledge or suspicion within 72 hours to his or her
623 supervisor for submission to a local animal control agency.

624 (a) The report must include all of the following
625 information:

626 1. A description of the animal and of the animal abuse or
627 neglect.

628 2. The name and address of the animal's owner or keeper, if
629 that information is available to the child protective
630 investigator.

631 3. Any other information available to the child protective
632 investigator which might assist an animal control officer or law
633 enforcement officer in establishing the cause of the animal
634 abuse or neglect and the manner in which it occurred.

635 (b) A child protective investigator who makes a report
636 under this section is presumed to have acted in good faith. An
637 investigator acting in good faith who makes a report under this
638 section or who cooperates in an investigation of suspected

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639 animal abuse or neglect is immune from any civil or criminal
640 liability or administrative penalty or sanction that might
641 otherwise be incurred in connection with making the report or
642 otherwise cooperating.

643 (3) RESPONSIBILITIES OF ANIMAL CONTROL OFFICERS.—Any
644 individual who knows or has reasonable cause to suspect that a
645 child is abused, abandoned, or neglected by a parent, legal
646 custodian, caregiver, or other person responsible for the
647 child's welfare or that a child is in need of supervision and
648 care and does not have a parent, a legal custodian, or a
649 responsible adult relative immediately known and available to
650 provide supervision and care to that child shall immediately
651 report such knowledge or suspicion to the department's central
652 abuse hotline.

653 (4) PENALTIES.—

654 (a) A child protective investigator who is required to
655 report known or suspected abuse, neglect, cruelty, or
656 abandonment of an animal and who knowingly and willfully fails
657 to do so commits a misdemeanor of the second degree, punishable
658 as provided in s. 775.082 or s. 775.083.

659 (b) An animal control officer who fails to report an
660 incident of known or suspected child abuse or neglect, as
661 required by s. 39.201, commits a felony of the third degree,
662 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

663 (5) TRAINING.—The department, in consultation with the
664 Florida Animal Control Association, shall develop or adapt and
665 use already available training materials into a 1-hour training
666 for all child protective investigators and animal control
667 officers who are required to investigate child abuse and neglect

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668 or animal abuse and neglect on the accurate and timely
669 identification and reporting of child and animal abuse and
670 neglect and the interconnectedness of such abuse and neglect.
671 The department shall incorporate training on the identification
672 of harm to and neglect of animals and the relationship of such
673 activities to child welfare case practice into required training
674 for child protective investigators.

675 (6) RULEMAKING.—The department shall adopt rules to
676 implement this section, including rules establishing protocols
677 for transmitting to local animal control agencies the addresses
678 where known or suspected animal abuse has been observed by a
679 child protective investigator acting in his or her professional
680 capacity.

681 Section 6. Subsections (1) and (2) of section 39.302,
682 Florida Statutes, are amended to read:

683 39.302 Protective investigations of institutional child
684 abuse, abandonment, or neglect.—

685 (1) The department shall conduct a child protective
686 investigation of each report of institutional child abuse,
687 abandonment, or neglect. Upon receipt of a report that alleges
688 that an employee or agent of the department, or any other entity
689 or person covered by s. 39.01(36) or (53) ~~s. 39.01(37) or (54)~~,
690 acting in an official capacity, has committed an act of child
691 abuse, abandonment, or neglect, the department shall initiate a
692 child protective investigation within the timeframe established
693 under s. 39.101(1) ~~s. 39.201(5)~~ and notify the appropriate state
694 attorney, law enforcement agency, and licensing agency, which
695 shall immediately conduct a joint investigation, unless
696 independent investigations are more feasible. When conducting

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697 investigations or having face-to-face interviews with the child,
698 investigation visits shall be unannounced unless it is
699 determined by the department or its agent that unannounced
700 visits threaten the safety of the child. If a facility is exempt
701 from licensing, the department shall inform the owner or
702 operator of the facility of the report. Each agency conducting a
703 joint investigation is entitled to full access to the
704 information gathered by the department in the course of the
705 investigation. A protective investigation must include an
706 interview with the child's parent or legal guardian. The
707 department shall make a full written report to the state
708 attorney within 3 working days after making the oral report. A
709 criminal investigation shall be coordinated, whenever possible,
710 with the child protective investigation of the department. Any
711 interested person who has information regarding the offenses
712 described in this subsection may forward a statement to the
713 state attorney as to whether prosecution is warranted and
714 appropriate. Within 15 days after the completion of the
715 investigation, the state attorney shall report the findings to
716 the department and shall include in the report a determination
717 of whether or not prosecution is justified and appropriate in
718 view of the circumstances of the specific case.

719 (2) (a) If in the course of the child protective
720 investigation, the department finds that a subject of a report,
721 by continued contact with children in care, constitutes a
722 threatened harm to the physical health, mental health, or
723 welfare of the children, the department may restrict a subject's
724 access to the children pending the outcome of the investigation.
725 The department or its agent shall employ the least restrictive

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726 means necessary to safeguard the physical health, mental health,
727 and welfare of the children in care. This authority shall apply
728 only to child protective investigations in which there is some
729 evidence that child abuse, abandonment, or neglect has occurred.
730 A subject of a report whose access to children in care has been
731 restricted is entitled to petition the circuit court for
732 judicial review. The court shall enter written findings of fact
733 based upon the preponderance of evidence that child abuse,
734 abandonment, or neglect did occur and that the department's
735 restrictive action against a subject of the report was justified
736 in order to safeguard the physical health, mental health, and
737 welfare of the children in care. The restrictive action of the
738 department shall be effective for no more than 90 days without a
739 judicial finding supporting the actions of the department.

740 (b) In an institutional investigation, the alleged
741 perpetrator may be represented by an attorney, at his or her own
742 expense, or may be accompanied by another person, if the
743 attorney or the person executes an affidavit of understanding
744 with the department and agrees to comply with the
745 confidentiality requirements under s. 39.202. The absence of an
746 attorney or an accompanying person does not prevent the
747 department from proceeding with other aspects of the
748 investigation, including interviews with other persons. In
749 institutional child abuse cases when the institution is not
750 operational and the child cannot otherwise be located, the
751 investigation must commence immediately upon the resumption of
752 operation. If requested by a state attorney or local law
753 enforcement agency, the department shall furnish all
754 investigative reports to such state attorney or agency.

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755 ~~(c)~~ Upon completion of the department's child protective
756 investigation, the department may make application to the
757 circuit court for continued restrictive action against any
758 person necessary to safeguard the physical health, mental
759 health, and welfare of the children in care.

760 Section 7. Section 828.126, Florida Statutes, is amended to
761 read:

762 828.126 Sexual activities involving animals.—The
763 Legislature recognizes that animal abuse of any kind is a type
764 of interpersonal violence and often co-occurs with child abuse
765 and other forms of family violence, including elder abuse and
766 domestic violence, and that early identification of animal
767 abuse, including animal sexual abuse, serves the purpose of
768 providing another important tool to safeguard children from
769 abuse and neglect, to provide needed support to families, and to
770 protect animals.

771 (1) As used in this section, the term:

772 (a) "Sexual conduct" means any touching or fondling by a
773 person, either directly or through clothing, of the sex organs
774 or anus of an animal or any transfer or transmission of semen by
775 the person upon any part of the animal for the purpose of sexual
776 gratification or arousal of the person.

777 (b) "Sexual contact" means any contact, however slight,
778 between the mouth, sex organ, or anus of a person and the sex
779 organ or anus of an animal, or any penetration, however slight,
780 of any part of the body of the person into the sex organ or anus
781 of an animal, or the insertion of any part of the animal's body
782 into the vaginal or anal opening of the person ~~any penetration~~
783 ~~of the sex organ or anus of the person into the mouth of the~~

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784 animal, for the purpose of sexual gratification or sexual
785 arousal of the person.

786 (2) A person may not:

787 (a) Knowingly engage in any sexual conduct or sexual
788 contact with an animal;

789 (b) Knowingly cause, aid, or abet another person to engage
790 in any sexual conduct or sexual contact with an animal;

791 (c) Knowingly permit any sexual conduct or sexual contact
792 with an animal to be conducted on any premises under his or her
793 charge or control; or

794 (d) Knowingly organize, promote, conduct, advertise, aid,
795 abet, participate in as an observer, or perform any service in
796 the furtherance of an act involving any sexual conduct or sexual
797 contact with an animal ~~for a commercial or recreational purpose.~~

798 (3) A person who violates this section commits a felony of
799 the third ~~misdemeanor of the first~~ degree, punishable as
800 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

801 (4) In addition to other penalties prescribed by law, the
802 court shall issue an order prohibiting a person convicted under
803 this section from harboring, owning, possessing, or exercising
804 control over any animal; from residing in any household where
805 animals are present; and from engaging in an occupation, whether
806 paid or unpaid, or participating in a volunteer position at any
807 establishment where animals are present. The order may be
808 effective for the length of time the court deems reasonable, but
809 must be effective for at least 5 years after the convicted
810 person's release from custody.

811 (5) ~~(4)~~ This section does not apply to accepted animal
812 husbandry practices, conformation judging practices, or accepted

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813 veterinary medical practices.

814 Section 8. Paragraph (a) of subsection (4) of section
815 828.27, Florida Statutes, is amended to read:

816 828.27 Local animal control or cruelty ordinances;
817 penalty.—

818 (4) (a) 1. County-employed animal control officers must, and
819 municipally employed animal control officers may, successfully
820 complete a 40-hour minimum standards training course. Such
821 course must include, but is not limited to, training for: animal
822 cruelty investigations, search and seizure, animal handling,
823 courtroom demeanor, and civil citations. The course curriculum
824 must be approved by the Florida Animal Control Association. An
825 animal control officer who successfully completes such course
826 shall be issued a certificate indicating that he or she has
827 received a passing grade.

828 2. County-employed and municipally employed animal control
829 officers must successfully complete the 1-hour training course
830 developed by the Department of Children and Families and the
831 Florida Animal Control Association pursuant to s. 39.208(5).
832 Animal control officers must be provided with opportunities to
833 attend the training during their normal work hours. The training
834 must advise them that failure to report an incident of known or
835 suspected child abuse, abandonment, or neglect, as required by
836 s. 39.201, is a felony of the third degree, punishable as
837 provided in s. 775.082, s. 775.083, or s. 775.084.

838 ~~3.2.~~ Any animal control officer who is authorized before
839 January 1, 1990, by a county or municipality to issue citations
840 is not required to complete the minimum standards training
841 course.

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842 ~~4.3.~~ In order to maintain valid certification, every 2
 843 years each certified animal control officer must complete 4
 844 hours of postcertification continuing education training. Such
 845 training may include, but is not limited to, training for:
 846 animal cruelty investigations, search and seizure, animal
 847 handling, courtroom demeanor, and civil citations.

848 Section 9. Paragraph (f) of subsection (3) of section
 849 921.0022, Florida Statutes, is amended to read:

850 921.0022 Criminal Punishment Code; offense severity ranking
 851 chart.—

852 (3) OFFENSE SEVERITY RANKING CHART

853 (f) LEVEL 6

854

Florida Statute	Felony Degree	Description
316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051 (2)	2nd	Knowing forgery of

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transaction history,
transaction information,
or transaction
statement.

859

499.0051 (3)

2nd

Knowing purchase or
receipt of prescription
drug from unauthorized
person.

860

499.0051 (4)

2nd

Knowing sale or transfer
of prescription drug to
unauthorized person.

861

775.0875 (1)

3rd

Taking firearm from law
enforcement officer.

862

784.021 (1) (a)

3rd

Aggravated assault;
deadly weapon without
intent to kill.

863

784.021 (1) (b)

3rd

Aggravated assault;
intent to commit felony.

864

784.041

3rd

Felony battery; domestic
battery by
strangulation.

865

784.048 (3)

3rd

Aggravated stalking;

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credible threat.

866

784.048 (5)

3rd

Aggravated stalking of person under 16.

867

784.07 (2) (c)

2nd

Aggravated assault on law enforcement officer.

868

784.074 (1) (b)

2nd

Aggravated assault on sexually violent predators facility staff.

869

784.08 (2) (b)

2nd

Aggravated assault on a person 65 years of age or older.

870

784.081 (2)

2nd

Aggravated assault on specified official or employee.

871

784.082 (2)

2nd

Aggravated assault by detained person on visitor or other detainee.

872

784.083 (2)

2nd

Aggravated assault on code inspector.

873

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874	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
875	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
876	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
877	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
878	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual

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activity by custodial
adult.

879

794.05 (1)

2nd

Unlawful sexual activity
with specified minor.

880

800.04 (5) (d)

3rd

Lewd or lascivious
molestation; victim 12
years of age or older
but less than 16 years
of age; offender less
than 18 years.

881

800.04 (6) (b)

2nd

Lewd or lascivious
conduct; offender 18
years of age or older.

882

806.031 (2)

2nd

Arson resulting in great
bodily harm to
firefighter or any other
person.

883

810.02 (3) (c)

2nd

Burglary of occupied
structure; unarmed; no
assault or battery.

884

810.145 (8) (b)

2nd

Video voyeurism; certain
minor victims; 2nd or
subsequent offense.

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891	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
892	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
893	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
894	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
895	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
896	827.03 (2) (c)	3rd	Abuse of a child.
897	827.03 (2) (d)	3rd	Neglect of a child.
898	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such

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performance.

899

828.126

3rd

Sexual activities
involving animals.

900

836.05

2nd

Threats; extortion.

901

836.10

2nd

Written threats to kill,
do bodily injury, or
conduct a mass shooting
or an act of terrorism.

902

843.12

3rd

Aids or assists person
to escape.

903

847.011

3rd

Distributing, offering
to distribute, or
possessing with intent
to distribute obscene
materials depicting
minors.

904

847.012

3rd

Knowingly using a minor
in the production of
materials harmful to
minors.

905

847.0135 (2)

3rd

Facilitates sexual
conduct of or with a

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minor or the visual
 depiction of such
 conduct.

906

914.23

2nd

Retaliation against a
 witness, victim, or
 informant, with bodily
 injury.

907

944.35(3)(a)2.

3rd

Committing malicious
 battery upon or
 inflicting cruel or
 inhuman treatment on an
 inmate or offender on
 community supervision,
 resulting in great
 bodily harm.

908

944.40

2nd

Escapes.

909

944.46

3rd

Harboring, concealing,
 aiding escaped
 prisoners.

910

944.47(1)(a)5.

2nd

Introduction of
 contraband (firearm,
 weapon, or explosive)
 into correctional
 facility.

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911

951.22 (1) (i) 3rd Firearm or weapon introduced into county detention facility.

912

913 Section 10. Section 1006.061, Florida Statutes, is amended
914 to read:

915 1006.061 Child abuse, abandonment, and neglect policy;
916 sexual abuse of a child policy; and child-on-child sexual abuse
917 policy.—Each district school board, charter school, and private
918 school that accepts scholarship students who participate in a
919 state scholarship program under chapter 1002 shall:

920 (1) Post in a prominent place in each school a notice that,
921 pursuant to chapter 39, all employees and agents of the district
922 school board, charter school, or private school have an
923 affirmative duty to report all actual or suspected cases of
924 child abuse, abandonment, or neglect, or child-on-child sexual
925 abuse; have immunity from liability if they report such cases in
926 good faith; and have a duty to comply with child protective
927 investigations and all other provisions of law relating to child
928 abuse, abandonment, and neglect and child-on-child sexual abuse.
929 The notice shall also include the statewide toll-free telephone
930 number of the central abuse hotline.

931 (2) Post in a prominent place at each school site and on
932 each school’s Internet website, if available, the policies and
933 procedures for reporting alleged misconduct by instructional
934 personnel or school administrators which affects the health,
935 safety, or welfare of a student; the contact person to whom the
936 report is made; and the penalties imposed on instructional

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937 personnel or school administrators who fail to report suspected
938 or actual child abuse or alleged misconduct by other
939 instructional personnel or school administrators.

940 (3) Require the principal of the charter school or private
941 school, or the district school superintendent, or the
942 superintendent's designee, at the request of the Department of
943 Children and Families, to act as a liaison to the Department of
944 Children and Families and the Child Protection Team, as defined
945 in s. 39.01, when in a case of suspected child abuse,
946 abandonment, or neglect or an unlawful sexual offense involving
947 a child the case is referred to such a team; except that this
948 does not relieve or restrict the Department of Children and
949 Families from discharging its duty and responsibility under the
950 law to investigate and report every suspected or actual case of
951 child abuse, abandonment, or neglect or unlawful sexual offense
952 involving a child.

953 (4) (a) Post in a prominent place in a clearly visible
954 location and public area of the school which is readily
955 accessible to and widely used by students a sign in English and
956 Spanish that contains:

957 1. The statewide toll-free telephone number of the central
958 abuse hotline as provided in chapter 39;

959 2. Instructions to call 911 for emergencies; and

960 3. Directions for accessing the Department of Children and
961 Families Internet website for more information on reporting
962 abuse, abandonment, or neglect, and child-on-child sexual abuse
963 exploitation.

964 (b) The information in paragraph (a) must be put on at
965 least one poster in each school, on a sheet that measures at

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966 least 11 inches by 17 inches, produced in large print, and
967 placed at student eye level for easy viewing.

968

969 The Department of Education shall coordinate with the Department
970 of Children and Families to develop, update annually when
971 necessary, and publish on the Department of Education's
972 ~~department's~~ Internet website, sample notices suitable for
973 posting in accordance with subsections (1), (2), and (4).

974 Section 11. Present subsections (2) through (6) of section
975 1012.795, Florida Statutes, are redesignated as subsections (3)
976 through (7), respectively, a new subsection (2) is added to that
977 section, and subsection (1) of that section is republished, to
978 read:

979 1012.795 Education Practices Commission; authority to
980 discipline.—

981 (1) The Education Practices Commission may suspend the
982 educator certificate of any instructional personnel or school
983 administrator, as defined in s. 1012.01(2) or (3), for up to 5
984 years, thereby denying that person the right to teach or
985 otherwise be employed by a district school board or public
986 school in any capacity requiring direct contact with students
987 for that period of time, after which the person may return to
988 teaching as provided in subsection (5) ~~(4)~~; may revoke the
989 educator certificate of any person, thereby denying that person
990 the right to teach or otherwise be employed by a district school
991 board or public school in any capacity requiring direct contact
992 with students for up to 10 years, with reinstatement subject to
993 subsection (5) ~~(4)~~; may permanently revoke the educator
994 certificate of any person thereby denying that person the right

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995 to teach or otherwise be employed by a district school board or
996 public school in any capacity requiring direct contact with
997 students; may suspend a person's educator certificate, upon an
998 order of the court or notice by the Department of Revenue
999 relating to the payment of child support; or may impose any
1000 other penalty provided by law, if the person:

1001 (a) Obtained or attempted to obtain an educator certificate
1002 by fraudulent means.

1003 (b) Knowingly failed to report actual or suspected child
1004 abuse as required in s. 1006.061 or report alleged misconduct by
1005 instructional personnel or school administrators which affects
1006 the health, safety, or welfare of a student as required in s.
1007 1012.796.

1008 (c) Has proved to be incompetent to teach or to perform
1009 duties as an employee of the public school system or to teach in
1010 or to operate a private school.

1011 (d) Has been guilty of gross immorality or an act involving
1012 moral turpitude as defined by rule of the State Board of
1013 Education, including engaging in or soliciting sexual, romantic,
1014 or lewd conduct with a student or minor.

1015 (e) Has had an educator certificate or other professional
1016 license sanctioned by this or any other state or has had the
1017 authority to practice the regulated profession revoked,
1018 suspended, or otherwise acted against, including a denial of
1019 certification or licensure, by the licensing or certifying
1020 authority of any jurisdiction, including its agencies and
1021 subdivisions. The licensing or certifying authority's acceptance
1022 of a relinquishment, stipulation, consent order, or other
1023 settlement offered in response to or in anticipation of the

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1024 filing of charges against the licensee or certificateholder
1025 shall be construed as action against the license or certificate.
1026 For purposes of this section, a sanction or action against a
1027 professional license, a certificate, or an authority to practice
1028 a regulated profession must relate to being an educator or the
1029 fitness of or ability to be an educator.

1030 (f) Has been convicted or found guilty of, has had
1031 adjudication withheld for, or has pled guilty or nolo contendere
1032 to a misdemeanor, felony, or any other criminal charge, other
1033 than a minor traffic violation.

1034 (g) Upon investigation, has been found guilty of personal
1035 conduct that seriously reduces that person's effectiveness as an
1036 employee of the district school board.

1037 (h) Has breached a contract, as provided in s. 1012.33(2)
1038 or s. 1012.335.

1039 (i) Has been the subject of a court order or notice by the
1040 Department of Revenue pursuant to s. 409.2598 directing the
1041 Education Practices Commission to suspend the certificate as a
1042 result of noncompliance with a child support order, a subpoena,
1043 an order to show cause, or a written agreement with the
1044 Department of Revenue.

1045 (j) Has violated the Principles of Professional Conduct for
1046 the Education Profession prescribed by State Board of Education
1047 rules.

1048 (k) Has otherwise violated the provisions of law, the
1049 penalty for which is the revocation of the educator certificate.

1050 (l) Has violated any order of the Education Practices
1051 Commission.

1052 (m) Has been the subject of a court order or plea agreement

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1053 in any jurisdiction which requires the certificateholder to
1054 surrender or otherwise relinquish his or her educator's
1055 certificate. A surrender or relinquishment shall be for
1056 permanent revocation of the certificate. A person may not
1057 surrender or otherwise relinquish his or her certificate prior
1058 to a finding of probable cause by the commissioner as provided
1059 in s. 1012.796.

1060 (n) Has been disqualified from educator certification under
1061 s. 1012.315.

1062 (o) Has committed a third recruiting offense as determined
1063 by the Florida High School Athletic Association (FHSAA) pursuant
1064 to s. 1006.20(2)(b).

1065 (p) Has violated test security as provided in s. 1008.24.

1066 (2) Notwithstanding subsection (1), the Education Practices
1067 Commission shall suspend, for a period of not less than 1 year,
1068 the educator certificate of any instructional personnel or
1069 school administrator who knowingly fails to report known or
1070 suspected child abuse pursuant to s. 39.201.

1071 Section 12. Subsections (1) through (5) of section 39.307,
1072 Florida Statutes, are amended to read:

1073 39.307 Reports of child-on-child sexual abuse.—

1074 (1) Upon receiving a report alleging child-on-child
1075 ~~juvenile sexual abuse or inappropriate sexual behavior as~~
1076 ~~defined in s. 39.01~~, the department shall assist the family,
1077 child, and caregiver in receiving appropriate services to
1078 address the allegations of the report.

1079 (a) The department shall ensure that information describing
1080 the child's history of child sexual abuse is included in the
1081 child's electronic record. This record must also include

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1082 information describing the services the child has received as a
1083 result of his or her involvement with child sexual abuse.

1084 (b) Placement decisions for a child who has been involved
1085 with child sexual abuse must include consideration of the needs
1086 of the child and any other children in the placement.

1087 (c) The department shall monitor the occurrence of child
1088 sexual abuse and the provision of services to children involved
1089 in child-on-child ~~child sexual abuse or juvenile sexual abuse,~~
1090 ~~or who have displayed inappropriate sexual behavior.~~

1091 (2) The department, contracted sheriff's office providing
1092 protective investigation services, or contracted case management
1093 personnel responsible for providing services, at a minimum,
1094 shall adhere to the following procedures:

1095 (a) The purpose of the response to a report alleging child-
1096 on-child ~~juvenile~~ sexual abuse ~~behavior or inappropriate sexual~~
1097 ~~behavior~~ shall be explained to the caregiver.

1098 1. The purpose of the response shall be explained in a
1099 manner consistent with legislative purpose and intent provided
1100 in this chapter.

1101 2. The name and office telephone number of the person
1102 responding shall be provided to the caregiver of the alleged
1103 abuser ~~or child who has exhibited inappropriate sexual behavior~~
1104 and the victim's caregiver.

1105 3. The possible consequences of the department's response,
1106 including outcomes and services, shall be explained to the
1107 caregiver of the alleged abuser ~~or child who has exhibited~~
1108 ~~inappropriate sexual behavior~~ and the victim's caregiver.

1109 (b) The caregiver of the alleged abuser ~~or child who has~~
1110 ~~exhibited inappropriate sexual behavior~~ and the victim's

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1111 caregiver shall be involved to the fullest extent possible in
1112 determining the nature of the sexual behavior concerns and the
1113 nature of any problem or risk to other children.

1114 (c) The assessment of risk and the perceived treatment
1115 needs of the alleged abuser ~~or child who has exhibited~~
1116 ~~inappropriate sexual behavior~~, the victim, and respective
1117 caregivers shall be conducted by the district staff, the child
1118 protection team of the Department of Health, and other providers
1119 under contract with the department to provide services to the
1120 caregiver of the alleged offender, the victim, and the victim's
1121 caregiver.

1122 (d) The assessment shall be conducted in a manner that is
1123 sensitive to the social, economic, and cultural environment of
1124 the family.

1125 (e) If necessary, the child protection team of the
1126 Department of Health shall conduct a physical examination of the
1127 victim, which is sufficient to meet forensic requirements.

1128 (f) Based on the information obtained from the alleged
1129 abuser ~~or child who has exhibited inappropriate sexual behavior~~,
1130 his or her caregiver, the victim, and the victim's caregiver, an
1131 assessment of service and treatment needs must be completed and,
1132 if needed, a case plan developed within 30 days.

1133 (g) The department shall classify the outcome of the report
1134 as follows:

1135 1. Report closed. Services were not offered because the
1136 department determined that there was no basis for intervention.

1137 2. Services accepted by alleged abuser. Services were
1138 offered to the alleged abuser ~~or child who has exhibited~~
1139 ~~inappropriate sexual behavior~~ and accepted by the caregiver.

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1140 3. Report closed. Services were offered to the alleged
1141 abuser ~~or child who has exhibited inappropriate sexual behavior,~~
1142 but were rejected by the caregiver.

1143 4. Notification to law enforcement. The risk to the
1144 victim's safety and well-being cannot be reduced by the
1145 provision of services or the caregiver rejected services, and
1146 notification of the alleged delinquent act or violation of law
1147 to the appropriate law enforcement agency was initiated.

1148 5. Services accepted by victim. Services were offered to
1149 the victim and accepted by the caregiver.

1150 6. Report closed. Services were offered to the victim but
1151 were rejected by the caregiver.

1152 (3) If services have been accepted by the alleged abuser ~~or~~
1153 ~~child who has exhibited inappropriate sexual behavior,~~ the
1154 victim, and respective caregivers, the department shall
1155 designate a case manager and develop a specific case plan.

1156 (a) Upon receipt of the plan, the caregiver shall indicate
1157 its acceptance of the plan in writing.

1158 (b) The case manager shall periodically review the progress
1159 toward achieving the objectives of the plan in order to:

1160 1. Make adjustments to the plan or take additional action
1161 as provided in this part; or

1162 2. Terminate the case if indicated by successful or
1163 substantial achievement of the objectives of the plan.

1164 (4) Services provided to the alleged abuser ~~or child who~~
1165 ~~has exhibited inappropriate sexual behavior,~~ the victim, and
1166 respective caregivers or family must be voluntary and of
1167 necessary duration.

1168 (5) If the family or caregiver of the alleged abuser ~~or~~

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1169 ~~child who has exhibited inappropriate sexual behavior~~ fails to
1170 adequately participate or allow for the adequate participation
1171 of the child in the services or treatment delineated in the case
1172 plan, the case manager may recommend that the department:

1173 (a) Close the case;

1174 (b) Refer the case to mediation or arbitration, if
1175 available; or

1176 (c) Notify the appropriate law enforcement agency of
1177 failure to comply.

1178 Section 13. Paragraph (t) of subsection (2) of section
1179 39.202, Florida Statutes, is amended to read:

1180 39.202 Confidentiality of reports and records in cases of
1181 child abuse or neglect.—

1182 (2) Except as provided in subsection (4), access to such
1183 records, excluding the name of, or other identifying information
1184 with respect to, the reporter which shall be released only as
1185 provided in subsection (5), shall be granted only to the
1186 following persons, officials, and agencies:

1187 (t) Persons with whom the department is seeking to place
1188 the child or to whom placement has been granted, including
1189 foster parents for whom an approved home study has been
1190 conducted, the designee of a licensed child-caring agency as
1191 defined in s. 39.01 ~~s. 39.01(41)~~, an approved relative or
1192 nonrelative with whom a child is placed pursuant to s. 39.402,
1193 preadoptive parents for whom a favorable preliminary adoptive
1194 home study has been conducted, adoptive parents, or an adoption
1195 entity acting on behalf of preadoptive or adoptive parents.

1196 Section 14. Subsection (6) of section 39.301, Florida
1197 Statutes, is amended to read:

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1198 39.301 Initiation of protective investigations.—

1199 (6) Upon commencing an investigation under this part, if a
1200 report was received from a reporter under s. 39.201(1)(a)2. ~~s.~~
1201 ~~39.201(1)(b)~~, the protective investigator must provide his or
1202 her contact information to the reporter within 24 hours after
1203 being assigned to the investigation. The investigator must also
1204 advise the reporter that he or she may provide a written summary
1205 of the report made to the central abuse hotline to the
1206 investigator which shall become a part of the electronic child
1207 welfare case file.

1208 Section 15. Paragraph (c) of subsection (1) of section
1209 39.521, Florida Statutes, is amended to read:

1210 39.521 Disposition hearings; powers of disposition.—

1211 (1) A disposition hearing shall be conducted by the court,
1212 if the court finds that the facts alleged in the petition for
1213 dependency were proven in the adjudicatory hearing, or if the
1214 parents or legal custodians have consented to the finding of
1215 dependency or admitted the allegations in the petition, have
1216 failed to appear for the arraignment hearing after proper
1217 notice, or have not been located despite a diligent search
1218 having been conducted.

1219 (c) When any child is adjudicated by a court to be
1220 dependent, the court having jurisdiction of the child has the
1221 power by order to:

1222 1. Require the parent and, when appropriate, the legal
1223 guardian or the child to participate in treatment and services
1224 identified as necessary. The court may require the person who
1225 has custody or who is requesting custody of the child to submit
1226 to a mental health or substance abuse disorder assessment or

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1227 evaluation. The order may be made only upon good cause shown and
1228 pursuant to notice and procedural requirements provided under
1229 the Florida Rules of Juvenile Procedure. The mental health
1230 assessment or evaluation must be administered by a qualified
1231 professional as defined in s. 39.01, and the substance abuse
1232 assessment or evaluation must be administered by a qualified
1233 professional as defined in s. 397.311. The court may also
1234 require such person to participate in and comply with treatment
1235 and services identified as necessary, including, when
1236 appropriate and available, participation in and compliance with
1237 a mental health court program established under chapter 394 or a
1238 treatment-based drug court program established under s. 397.334.
1239 Adjudication of a child as dependent based upon evidence of harm
1240 as defined in s. 39.01(34)(g) ~~s. 39.01(35)(g)~~ demonstrates good
1241 cause, and the court shall require the parent whose actions
1242 caused the harm to submit to a substance abuse disorder
1243 assessment or evaluation and to participate and comply with
1244 treatment and services identified in the assessment or
1245 evaluation as being necessary. In addition to supervision by the
1246 department, the court, including the mental health court program
1247 or the treatment-based drug court program, may oversee the
1248 progress and compliance with treatment by a person who has
1249 custody or is requesting custody of the child. The court may
1250 impose appropriate available sanctions for noncompliance upon a
1251 person who has custody or is requesting custody of the child or
1252 make a finding of noncompliance for consideration in determining
1253 whether an alternative placement of the child is in the child's
1254 best interests. Any order entered under this subparagraph may be
1255 made only upon good cause shown. This subparagraph does not

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1256 authorize placement of a child with a person seeking custody of
1257 the child, other than the child's parent or legal custodian, who
1258 requires mental health or substance abuse disorder treatment.

1259 2. Require, if the court deems necessary, the parties to
1260 participate in dependency mediation.

1261 3. Require placement of the child either under the
1262 protective supervision of an authorized agent of the department
1263 in the home of one or both of the child's parents or in the home
1264 of a relative of the child or another adult approved by the
1265 court, or in the custody of the department. Protective
1266 supervision continues until the court terminates it or until the
1267 child reaches the age of 18, whichever date is first. Protective
1268 supervision shall be terminated by the court whenever the court
1269 determines that permanency has been achieved for the child,
1270 whether with a parent, another relative, or a legal custodian,
1271 and that protective supervision is no longer needed. The
1272 termination of supervision may be with or without retaining
1273 jurisdiction, at the court's discretion, and shall in either
1274 case be considered a permanency option for the child. The order
1275 terminating supervision by the department must set forth the
1276 powers of the custodian of the child and include the powers
1277 ordinarily granted to a guardian of the person of a minor unless
1278 otherwise specified. Upon the court's termination of supervision
1279 by the department, further judicial reviews are not required if
1280 permanency has been established for the child.

1281 4. Determine whether the child has a strong attachment to
1282 the prospective permanent guardian and whether such guardian has
1283 a strong commitment to permanently caring for the child.

1284 Section 16. Paragraph (c) of subsection (1) of section

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1285 39.6012, Florida Statutes, is amended to read:

1286 39.6012 Case plan tasks; services.—

1287 (1) The services to be provided to the parent and the tasks
1288 that must be completed are subject to the following:

1289 (c) If there is evidence of harm as defined in s.

1290 39.01(34)(g) ~~s. 39.01(35)(g)~~, the case plan must include as a
1291 required task for the parent whose actions caused the harm that
1292 the parent submit to a substance abuse disorder assessment or
1293 evaluation and participate and comply with treatment and
1294 services identified in the assessment or evaluation as being
1295 necessary.

1296 Section 17. Subsection (4) of section 322.09, Florida
1297 Statutes, is amended to read:

1298 322.09 Application of minors; responsibility for negligence
1299 or misconduct of minor.—

1300 (4) Notwithstanding subsections (1) and (2), if a caregiver
1301 of a minor who is under the age of 18 years and is in out-of-
1302 home care as defined in s. 39.01 ~~s. 39.01(55)~~, an authorized
1303 representative of a residential group home at which such a minor
1304 resides, the caseworker at the agency at which the state has
1305 placed the minor, or a guardian ad litem specifically authorized
1306 by the minor's caregiver to sign for a learner's driver license
1307 signs the minor's application for a learner's driver license,
1308 that caregiver, group home representative, caseworker, or
1309 guardian ad litem does not assume any obligation or become
1310 liable for any damages caused by the negligence or willful
1311 misconduct of the minor by reason of having signed the
1312 application. Before signing the application, the caseworker,
1313 authorized group home representative, or guardian ad litem shall

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1314 notify the caregiver or other responsible party of his or her
1315 intent to sign and verify the application.

1316 Section 18. Paragraph (p) of subsection (4) of section
1317 394.495, Florida Statutes, is amended to read:

1318 394.495 Child and adolescent mental health system of care;
1319 programs and services.—

1320 (4) The array of services may include, but is not limited
1321 to:

1322 (p) Trauma-informed services for children who have suffered
1323 sexual exploitation as defined in s. 39.01(76)(g) ~~s.~~
1324 ~~39.01(77)(g)~~.

1325 Section 19. Section 627.746, Florida Statutes, is amended
1326 to read:

1327 627.746 Coverage for minors who have a learner's driver
1328 license; additional premium prohibited.—An insurer that issues
1329 an insurance policy on a private passenger motor vehicle to a
1330 named insured who is a caregiver of a minor who is under the age
1331 of 18 years and is in out-of-home care as defined in s.
1332 39.01(54) ~~s. 39.01(55)~~ may not charge an additional premium for
1333 coverage of the minor while the minor is operating the insured
1334 vehicle, for the period of time that the minor has a learner's
1335 driver license, until such time as the minor obtains a driver
1336 license.

1337 Section 20. Paragraph (g) of subsection (2) of section
1338 934.03, Florida Statutes, is amended to read:

1339 934.03 Interception and disclosure of wire, oral, or
1340 electronic communications prohibited.—

1341 (2)

1342 (g) It is lawful under this section and ss. 934.04-934.09

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1343 for an employee of:

1344 1. An ambulance service licensed pursuant to s. 401.25, a
1345 fire station employing firefighters as defined by s. 633.102, a
1346 public utility, a law enforcement agency as defined by s.
1347 934.02(10), or any other entity with published emergency
1348 telephone numbers;

1349 2. An agency operating an emergency telephone number "911"
1350 system established pursuant to s. 365.171; or

1351 3. The central abuse hotline operated pursuant to s. 39.101
1352 ~~s. 39.201~~

1353
1354 to intercept and record incoming wire communications; however,
1355 such employee may intercept and record incoming wire
1356 communications on designated "911" telephone numbers and
1357 published nonemergency telephone numbers staffed by trained
1358 dispatchers at public safety answering points only. It is also
1359 lawful for such employee to intercept and record outgoing wire
1360 communications to the numbers from which such incoming wire
1361 communications were placed when necessary to obtain information
1362 required to provide the emergency services being requested. For
1363 the purpose of this paragraph, the term "public utility" has the
1364 same meaning as provided in s. 366.02 and includes a person,
1365 partnership, association, or corporation now or hereafter owning
1366 or operating equipment or facilities in the state for conveying
1367 or transmitting messages or communications by telephone or
1368 telegraph to the public for compensation.

1369 Section 21. Paragraph (c) of subsection (1) of section
1370 934.255, Florida Statutes, is amended to read:

1371 934.255 Subpoenas in investigations of sexual offenses.—

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1372 (1) As used in this section, the term:

1373 (c) "Sexual abuse of a child" means a criminal offense
1374 based on any conduct described in s. 39.01(76) ~~s. 39.01(77)~~.

1375 Section 22. Subsection (5) of section 960.065, Florida
1376 Statutes, is amended to read:

1377 960.065 Eligibility for awards.—

1378 (5) A person is not ineligible for an award pursuant to
1379 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
1380 person is a victim of sexual exploitation of a child as defined
1381 in s. 39.01(76) (g) ~~s. 39.01(77) (g)~~.

1382 Section 23. This act shall take effect July 1, 2020.