

1 A bill to be entitled

2 An act relating to specific medical diagnoses in child  
3 protective investigations; amending s. 39.201, F.S.;  
4 requiring that reports made by certain persons contain  
5 a summary of a specified analysis; amending s. 39.301,  
6 F.S.; providing an exception to the requirement that  
7 the Department of Children and Families immediately  
8 forward certain allegations to a law enforcement  
9 agency; requiring a child protective investigator to  
10 inform the subject of an investigation of a certain  
11 duty; conforming a cross-reference; amending s.  
12 39.303, F.S.; requiring Child Protection Teams to  
13 consult with a licensed physician or advanced practice  
14 registered nurse when evaluating certain reports;  
15 conforming provisions to changes made by the act;  
16 amending s. 39.304, F.S.; authorizing, under a certain  
17 circumstance, a parent or legal custodian from whom a  
18 child was removed to request specified examinations of  
19 the child; requiring that certain examinations be paid  
20 for by the parent or legal custodian making the  
21 request or as otherwise covered by insurance or  
22 Medicaid; prohibiting the request of an examination  
23 for a specified purpose; providing an effective date.

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

26  
27       **Section 1. Paragraph (d) is added to subsection (1) of**  
28 **section 39.201, Florida Statutes, to read:**

29       39.201 Required reports of child abuse, abandonment, or  
30 neglect, sexual abuse of a child, and juvenile sexual abuse;  
31 required reports of death; reports involving a child who has  
32 exhibited inappropriate sexual behavior.—

33       (1) MANDATORY REPORTING.—

34       (d) Any report made by a person whose occupation is listed  
35 in sub-subparagraph (b)2.a. must contain a summary of the  
36 analysis used to rule out a differential diagnosis of the  
37 conditions specified in s. 39.303(4)(b).

38       **Section 2. Paragraph (a) of subsection (2), paragraph (a)**  
39 **of subsection (5), and paragraph (c) of subsection (14) of**  
40 **section 39.301, Florida Statutes, are amended to read:**

41       39.301 Initiation of protective investigations.—

42       (2)(a) The department shall immediately forward  
43 allegations of criminal conduct to the municipal or county law  
44 enforcement agency of the municipality or county in which the  
45 alleged conduct has occurred, unless the parent or legal  
46 custodian:

47       1. Has alleged that the child has a preexisting diagnosis  
48 specified in s. 39.303(4)(b); or

49       2. Is requesting that the child have an examination under  
50 s. 39.304(1)(c).

51  
52 Allegations of criminal conduct that are not immediately  
53 forwarded to the law enforcement agency pursuant to subparagraph  
54 1. or subparagraph 2. must be immediately forwarded to the law  
55 enforcement agency upon completion of the investigation under  
56 this part if criminal conduct is still alleged.

57 (5) (a) Upon commencing an investigation under this part,  
58 the child protective investigator shall inform any subject of  
59 the investigation of the following:

60 1. The names of the investigators and identifying  
61 credentials from the department.

62 2. The purpose of the investigation.

63 3. The right to obtain his or her own attorney and ways  
64 that the information provided by the subject may be used.

65 4. The possible outcomes and services of the department's  
66 response.

67 5. The right of the parent or legal custodian to be  
68 engaged to the fullest extent possible in determining the nature  
69 of the allegation and the nature of any identified problem and  
70 the remedy.

71 6. The duty of the parent or legal custodian to report any  
72 change in the residence or location of the child to the  
73 investigator and that the duty to report continues until the  
74 investigation is closed.

75           7. The duty of the parent or legal custodian to report any  
76 preexisting diagnosis for the child which is specified in s.  
77 39.303(4) (b) and provide any medical records that support that  
78 diagnosis in a timely manner.

79           (14)

80           (c) The department, in consultation with the judiciary,  
81 shall adopt by rule:

82           1. Criteria that are factors requiring that the department  
83 take the child into custody, petition the court as provided in  
84 this chapter, or, if the child is not taken into custody or a  
85 petition is not filed with the court, conduct an administrative  
86 review. Such factors must include, but are not limited to,  
87 noncompliance with a safety plan or the case plan developed by  
88 the department, and the family under this chapter, and prior  
89 abuse reports with findings that involve the child, the child's  
90 sibling, or the child's caregiver.

91           2. Requirements that if after an administrative review the  
92 department determines not to take the child into custody or  
93 petition the court, the department shall document the reason for  
94 its decision in writing and include it in the investigative  
95 file. For all cases that were accepted by the local law  
96 enforcement agency for criminal investigation pursuant to  
97 subsection (2), the department must include in the file written  
98 documentation that the administrative review included input from  
99 law enforcement. In addition, for all cases that must be

100 referred to Child Protection Teams pursuant to s. 39.303(5) and  
 101 (6) ~~s. 39.303(4) and (5)~~, the file must include written  
 102 documentation that the administrative review included the  
 103 results of the team's evaluation.

104 **Section 3. Present subsections (4) through (10) of section**  
 105 **39.303, Florida Statutes, are redesignated as subsections (5)**  
 106 **through (11), respectively, a new subsection (4) is added to**  
 107 **that section, and subsection (3) and present subsections (5) and**  
 108 **(6) of that section are amended, to read:**

109 39.303 Child Protection Teams and sexual abuse treatment  
 110 programs; services; eligible cases.—

111 (3) The Department of Health shall use and convene the  
 112 Child Protection Teams to supplement the assessment and  
 113 protective supervision activities of the family safety and  
 114 preservation program of the Department of Children and Families.  
 115 This section does not remove or reduce the duty and  
 116 responsibility of any person to report pursuant to this chapter  
 117 all suspected or actual cases of child abuse, abandonment, or  
 118 neglect or sexual abuse of a child. The role of the Child  
 119 Protection Teams is to support activities of the program and to  
 120 provide services deemed by the Child Protection Teams to be  
 121 necessary and appropriate to abused, abandoned, and neglected  
 122 children upon referral. The specialized diagnostic assessment,  
 123 evaluation, coordination, consultation, and other supportive  
 124 services that a Child Protection Team must be capable of

125 providing include, but are not limited to, the following:

126 (a) Medical diagnosis and evaluation services, including  
127 provision or interpretation of X rays and laboratory tests, and  
128 related services, as needed, and documentation of related  
129 findings.

130 (b) Telephone consultation services in emergencies and in  
131 other situations.

132 (c) Medical evaluation related to abuse, abandonment, or  
133 neglect, as defined by policy or rule of the Department of  
134 Health.

135 (d) Such psychological and psychiatric diagnosis and  
136 evaluation services for the child or the child's parent or  
137 parents, legal custodian or custodians, or other caregivers, or  
138 any other individual involved in a child abuse, abandonment, or  
139 neglect case, as the team may determine to be needed.

140 (e) Expert medical, psychological, and related  
141 professional testimony in court cases.

142 (f) Case staffings to develop treatment plans for children  
143 whose cases have been referred to the team. A Child Protection  
144 Team may provide consultation with respect to a child who is  
145 alleged or is shown to be abused, abandoned, or neglected, which  
146 consultation shall be provided at the request of a  
147 representative of the family safety and preservation program or  
148 at the request of any other professional involved with a child  
149 or the child's parent or parents, legal custodian or custodians,

150 or other caregivers. In every such Child Protection Team case  
151 staffing, consultation, or staff activity involving a child, a  
152 family safety and preservation program representative shall  
153 attend and participate.

154 (g) Case service coordination and assistance, including  
155 the location of services available from other public and private  
156 agencies in the community.

157 (h) Such training services for program and other employees  
158 of the Department of Children and Families, employees of the  
159 Department of Health, and other medical professionals as is  
160 deemed appropriate to enable them to develop and maintain their  
161 professional skills and abilities in handling child abuse,  
162 abandonment, and neglect cases. The training service must  
163 include training in the recognition of and appropriate responses  
164 to head trauma and brain injury in a child under 6 years of age  
165 as required by ss. 402.402(2) and 409.988.

166 (i) Educational and community awareness campaigns on child  
167 abuse, abandonment, and neglect in an effort to enable citizens  
168 more successfully to prevent, identify, and treat child abuse,  
169 abandonment, and neglect in the community.

170 (j) Child Protection Team assessments that include, as  
171 appropriate, medical evaluations, medical consultations, family  
172 psychosocial interviews, specialized clinical interviews, or  
173 forensic interviews.

174

175 ~~A Child Protection Team that is evaluating a report of medical~~  
176 ~~neglect and assessing the health care needs of a medically~~  
177 ~~complex child shall consult with a physician who has experience~~  
178 ~~in treating children with the same condition.~~

179 (4) A Child Protection Team shall consult with a physician  
180 licensed under chapter 458 or chapter 459 or an advanced  
181 practice registered nurse licensed under chapter 464 who has  
182 experience in and routinely provides medical care to pediatric  
183 patients when evaluating a report of:

184 (a) Medical neglect and assessing the needs of a medically  
185 complex child; or

186 (b) A child with a reported preexisting diagnosis of any  
187 of the following:

188 1. Rickets.

189 2. Ehlers-Danlos syndrome.

190 3. Osteogenesis imperfecta.

191 4. Vitamin D deficiency.

192 5. Any other medical condition known to appear to be  
193 caused by, or known to be misdiagnosed as, abuse.

194 ~~(6)~~(5) All abuse and neglect cases transmitted for  
195 investigation to a circuit by the hotline must be simultaneously  
196 transmitted to the Child Protection Team for review. For the  
197 purpose of determining whether a face-to-face medical evaluation  
198 by a Child Protection Team is necessary, all cases transmitted  
199 to the Child Protection Team which meet the criteria in



200 subsection (5) ~~(4)~~ must be timely reviewed by:

201 (a) A physician licensed under chapter 458 or chapter 459  
 202 who holds board certification in pediatrics and is a member of a  
 203 Child Protection Team;

204 (b) A physician licensed under chapter 458 or chapter 459  
 205 who holds board certification in a specialty other than  
 206 pediatrics, who may complete the review only when working under  
 207 the direction of the Child Protection Team medical director or a  
 208 physician licensed under chapter 458 or chapter 459 who holds  
 209 board certification in pediatrics and is a member of a Child  
 210 Protection Team;

211 (c) An advanced practice registered nurse licensed under  
 212 chapter 464 who has a specialty in pediatrics or family medicine  
 213 and is a member of a Child Protection Team;

214 (d) A physician assistant licensed under chapter 458 or  
 215 chapter 459, who may complete the review only when working under  
 216 the supervision of the Child Protection Team medical director or  
 217 a physician licensed under chapter 458 or chapter 459 who holds  
 218 board certification in pediatrics and is a member of a Child  
 219 Protection Team; or

220 (e) A registered nurse licensed under chapter 464, who may  
 221 complete the review only when working under the direct  
 222 supervision of the Child Protection Team medical director or a  
 223 physician licensed under chapter 458 or chapter 459 who holds  
 224 board certification in pediatrics and is a member of a Child

225 Protection Team.

226 (7)~~(6)~~ A face-to-face medical evaluation by a Child  
 227 Protection Team is not necessary when:

228 (a) The child was examined for the alleged abuse or  
 229 neglect by a physician who is not a member of the Child  
 230 Protection Team, and a consultation between the Child Protection  
 231 Team medical director or a Child Protection Team board-certified  
 232 pediatrician, advanced practice registered nurse, physician  
 233 assistant working under the supervision of a Child Protection  
 234 Team medical director or a Child Protection Team board-certified  
 235 pediatrician, or registered nurse working under the direct  
 236 supervision of a Child Protection Team medical director or a  
 237 Child Protection Team board-certified pediatrician, and the  
 238 examining physician concludes that a further medical evaluation  
 239 is unnecessary;

240 (b) The child protective investigator, with supervisory  
 241 approval, has determined, after conducting a child safety  
 242 assessment, that there are no indications of injuries as  
 243 described in paragraphs (5) (a)-(h) ~~(4) (a)-(h)~~ as reported; or

244 (c) The Child Protection Team medical director or a Child  
 245 Protection Team board-certified pediatrician, as authorized in  
 246 subsection (6) ~~(5)~~, determines that a medical evaluation is not  
 247 required.

248  
 249 Notwithstanding paragraphs (a), (b), and (c), a Child Protection

250 Team medical director or a Child Protection Team pediatrician,  
251 as authorized in subsection (6) ~~(5)~~, may determine that a face-  
252 to-face medical evaluation is necessary.

253 **Section 4. Paragraph (c) is added to subsection (1) of**  
254 **section 39.304, Florida Statutes, to read:**

255 39.304 Photographs, medical examinations, X rays, and  
256 medical treatment of abused, abandoned, or neglected child.—

257 (1)

258 (c) If an examination is performed on a child under  
259 paragraph (b), the parent or legal custodian from whom the child  
260 was removed pursuant to s. 39.401 may:

261 1. If the initial examination was not performed by the  
262 Child Protection Team, request that the child be examined by the  
263 Child Protection Team as soon as practicable;

264 2. If the initial examination was performed by the Child  
265 Protection Team, for the purpose of obtaining a second opinion  
266 on diagnosis or treatment, request that the child be examined by  
267 a physician licensed under chapter 458 or chapter 459 or an  
268 advanced practice registered nurse licensed under chapter 464 of  
269 his or her choosing who routinely provides medical care to  
270 pediatric patients; or

271 3. For the purpose of ruling out a differential diagnosis,  
272 request that the child be examined by a physician licensed under  
273 chapter 458 or chapter 459 or an advanced practice registered  
274 nurse licensed under chapter 464 who routinely provides

275 diagnosis of and medical care to pediatric patients for the  
276 conditions specified in s. 39.303(4)(b).

277  
278 An examination requested under subparagraph 2. or subparagraph  
279 3. must be paid for by the parent or legal custodian making such  
280 request or as otherwise covered by insurance or Medicaid. An  
281 examination may not be requested under this paragraph for the  
282 purpose of obtaining a second opinion as to whether a child has  
283 been sexually abused.

284 **Section 5.** This act shall take effect July 1, 2025.