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By Senator Grant

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1 A bill to be entitled
2 An act relating to abuse, neglect, abandonment,
3 and exploitation of aged and disabled adults
4 and children; amending s. 20.19, F.S.;
5 conforming duties of program offices and
6 service districts of the Department of Health
7 and Rehabilitative Services to reflect changes
8 in protective investigations; amending s.
9 39.01, F.S.; providing definitions; amending s.
10 39.401, F.S.; conforming terminology and
11 process to definitions; requiring certain
12 reports to be sent to the protective
13 investigation office of the department;
14 amending s. 39.402, F.S., conforming
15 terminology to definition changes; amending s.
16 39.403, F.S.; redesignating the intake function
17 of the department as protective investigation;
18 delineating responsibilities for protective
19 investigation; amending s. 39.404, F.S.;
20 conforming terminology; amending s. 39.423,
21 F.S.; conforming a cross-reference; amending s.
22 415.103, F.S.; renaming the central abuse
23 registry; requiring reports of abuse, neglect,
24 or exploitation be handled only by the central
25 abuse registry and tracking system; delineating
26 functions of the central abuse registry and
27 tracking system; deleting requirement for
28 immediate notification of district staff on all
29 reports; clarifying confidentiality of reports
30 in administrative hearing process; amending s.
31 415.104, F.S.; requiring additional information

1 to be obtained on reports received; requiring
2 utilization of standardized risk assessment
3 instruments; requiring delivery of services
4 through early intervention; amending s.
5 415.107, F.S.; conforming terminology and
6 procedures; amending s. 415.111, F.S.;
7 providing penalties for making false reports;
8 amending s. 415.503, F.S.; conforming
9 terminology and definitions; amending s.
10 415.504, F.S.; conforming terminology regarding
11 the central abuse registry and tracking system;
12 requiring all child abuse and neglect reports
13 be made to the central abuse registry and
14 tracking system; delineating functions of the
15 central abuse registry and tracking system;
16 providing procedures and timeframes for
17 notification of district staff on reports;
18 clarifying confidentiality of reports in the
19 administrative hearing process; amending s.
20 415.505, F.S.; requiring additional information
21 to be obtained on reports received; requiring
22 utilization of standardized risk assessment
23 instruments; requiring delivery of services
24 through early intervention; conforming
25 terminology; amending s. 415.5055, F.S.;
26 conforming terminology; amending s. 415.509,
27 F.S.; conforming terminology; amending s.
28 415.51, F.S.; conforming terminology; amending
29 s. 415.511, F.S.; clarifying who is covered by
30 immunity from liability; prohibiting reprisals
31 against persons reporting abuse or neglect;

amending s. 415.513, F.S.; providing penalties
for making a false report; providing an
effective date.

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

Section 1. Paragraph (a) of subsection (4) and
paragraph (c) of subsection (5) of section 20.19, Florida
Statutes, are amended to read:

20.19 Department of Health and Rehabilitative
Services.--There is created a Department of Health and
Rehabilitative Services.

(4) ASSISTANT SECRETARIES.--The secretary shall
appoint an Assistant Secretary for Programs and an Assistant
Secretary for Administration, each of whom shall serve at the
pleasure of, and be directly responsible to, the secretary.
The secretary shall appoint a Deputy Assistant Secretary for
Programs, a Deputy Assistant Secretary for Regulation and
Health Facilities, a Deputy Assistant Secretary for Medicaid,
and a Deputy Assistant Secretary for Health, each of whom
shall serve at the pleasure of the secretary and shall be
directly responsible to the Assistant Secretary for Programs.

(a) The Assistant Secretary for Programs shall have
responsibility for general statewide supervision of the
administration of service programs operated by the department
and such other program development and planning duties as are
assigned to him by the secretary. "General statewide
supervision of the administration of service programs" means
service program development and planning; program research;
identifying client needs and recommending solutions and
priorities; developing client service programs, including the

1 policies and standards therefor; providing technical
2 assistance to the district administrators; assisting the
3 district administrators in staff development and training;
4 reviewing and monitoring district-level program operations;
5 assuring compliance with statewide program standards and
6 performance criteria; monitoring uniform program quality among
7 districts; developing funding sources external to state
8 government; and obtaining, approving, monitoring, and
9 coordinating research and program development grants; but does
10 not involve line authority over any health or human services
11 program operation of the department, including the management
12 of institutions and residential treatment programs.

13 1. Program offices shall operate in a staff capacity
14 to the Assistant Secretary for Programs. Each program office
15 shall be headed by a program staff director who shall be
16 appointed by, and serve at the pleasure of, the secretary and
17 be directly responsible to the Assistant Secretary for
18 Programs. The Assistant Secretary for Programs shall delegate
19 to the program offices the following responsibilities, which
20 shall include, but are not limited to:

21 a. Identification of client needs.
22 b. Intraprogram policy development.
23 c. Short-term and long-term intraprogram planning.
24 d. Intraprogram standards setting, monitoring, and
25 quality control.

26 e. Intraprogram staff development, training, and
27 technical assistance programs.

28 f. Advising the Assistant Secretary for Programs and
29 others within the department, upon request, on issues within
30 their areas of substantive expertise.

31

1 g. Acting as liaison, when assigned by the Assistant
2 Secretary for Programs, to other governmental agencies and the
3 public on programmatic issues.

4 h. Developing state program plans.

5 i. Developing resource forecasts and working within
6 the state on community resource development.

7 j. Quality control.

8 k. General statewide supervision of the administration
9 of service programs.

10 l. Any other program planning and development duties
11 assigned by the secretary.

12 m. The following program offices are established and
13 may be consolidated, restructured, or rearranged by the
14 secretary; provided any such consolidation, restructuring, or
15 rearranging shall be for the purpose of encouraging service
16 integration through more effective and efficient performance
17 of the program offices or parts thereof:

18 n. Children's Medical Services Program Office.--The
19 responsibilities of this office encompass all children's
20 medical services programs operated by the department.

21 o. Economic Services Program Office.--The
22 responsibilities of this office encompass all income support
23 programs within the department, such as aid to families with
24 dependent children (AFDC), food stamps, and state
25 supplementation of the supplemental security income (SSI)
26 program.

27 p. Developmental Services Program Office.--The
28 responsibilities of this office encompass programs operated by
29 the department for developmentally disabled persons.
30 Developmental disabilities include any disability defined in
31 s. 393.063.

1 d. Aging and Adult Services Program Office.--The
2 responsibilities of this office encompass all aging and adult
3 programs operated by the department.

4 e. Children, Youth, and Families Program Office.--The
5 responsibilities of this program office encompass intake
6 services for dependent-and delinquent children, families in
7 need of services, and children in need of services; protective
8 investigation services for abandoned, abused, and neglected
9 children; services provided under the Interstate Compact on
10 the Placement of Children and the Interstate Compact on
11 Juveniles; children's protective services; adoption; child
12 care; foster care programs; specialized services to families;
13 all programs operated by the department relating to delinquent
14 children; and related mental health services for children and
15 youth in coordination with the Alcohol, Drug Abuse, and Mental
16 Health Program Office.

17 f. Alcohol, Drug Abuse, and Mental Health Program
18 Office.--The responsibilities of this office encompass all
19 alcohol, drug abuse, and mental health programs operated by
20 the department except those programs for children and youth
21 which shall be handled in coordination with the Children,
22 Youth, and Families Program Office. In addition, the
23 responsibility for adult forensic programs shall be located
24 within this office.

25 3.a. The secretary may appoint only one advisory
26 council for the purpose of acting as the advisory body to each
27 respective program office in the performance of functions
28 assigned to program offices in subparagraph 1. Not fewer than
29 8 members or more than 14 members may be appointed to each
30 program office advisory council. Representation on each
31 program office advisory council shall include persons with

1 expertise in each of the major service responsibilities of the
2 respective program office; at least one consumer
3 representative who shall be a client of, or parent, guardian,
4 or spouse of, a client of the respective program office; and,
5 to the extent possible, representation from the various
6 geographic areas of the state. Representatives of provider
7 groups whose principal source of support is funds from the
8 department shall not comprise more than 25 percent of any
9 council advisory to the Department of Health and
10 Rehabilitative Services. Unless otherwise required by law or
11 federal regulation, in no case shall an employee of the
12 Department of Health and Rehabilitative Services serve as a
13 member of any council advisory to the Department of Health and
14 Rehabilitative Services. Whenever feasible, priority shall be
15 given to the appointment of district advisory council members
16 to program office advisory councils. Initially, the secretary
17 shall appoint one-half of the members for terms of 2 years
18 each, and one-half of the members for terms of 1 year each.
19 Thereafter, members shall be appointed for 2-year terms.
20 Vacancies shall be filled for the remainder of unexpired terms
21 in the same manner as the original appointments. A member may
22 be reappointed to only one subsequent term.

23 b. Each program office advisory council shall meet no
24 more frequently than quarterly. Minutes shall be recorded for
25 all meetings of such councils and shall be kept on file in the
26 respective program office.

27 c. Members and their attendants, or interpreters for
28 the deaf or handicapped when necessary, shall receive no
29 compensation but shall be reimbursed for per diem and travel
30 expenses in accordance with the provisions of s. 112.061.

31

1 d. The department shall make a separate and distinct
2 request for an appropriation for such expenses for each
3 advisory council. Such requests may be combined into a
4 specific appropriation for advisory council expenses or
5 included in a specific appropriation with other expenses in
6 the Governor's recommended budget or in the appropriations
7 acts. If a legislative appropriation for such expenses is
8 made, the department shall reimburse expenses for individual
9 advisory councils in strict accordance with the appropriations
10 and intent of the Legislature. The provisions of s. 216.292
11 notwithstanding, no transfer of appropriations shall be made
12 which increases the appropriation made by the Legislature for
13 advisory council expenses; and the department is prohibited
14 from using any other appropriation for supporting the
15 activities of groups advisory to program offices.

16 e. The Department of Health and Rehabilitative
17 Services shall adopt rules to implement this act, which rules
18 shall serve as formal operating procedures for each program
19 office advisory council.

20 4. Individual program office advisory councils as
21 described in subparagraph 3. shall be the only councils
22 advisory to the Department of Health and Rehabilitative
23 Services unless other such advisory councils to the department
24 are established by law; except that advisory committees as
25 defined in s. 20.03(8), or any advisory bodies not
26 specifically created by law, may be established and receive
27 funds for a period not to exceed 1 year if the department has
28 provided the following information to the Speaker of the House
29 of Representatives, the President of the Senate, and the
30 Comptroller:

31 a. The date of creation of the advisory body.

1 b. The purpose of the advisory body and the program
2 office to which it is to furnish advice.

3 c. The termination date of the advisory body.

4 d. The estimated frequency of meetings and estimated
5 costs associated with the advisory body.

6 5. All program offices within the Department of Health
7 and Rehabilitative Services which serve children and youth
8 shall work together to identify the needs of children in the
9 state; to establish priorities and goals in meeting these
10 needs, and to participate in interprogram standards setting,
11 monitoring, and quality control. As a result of such
12 cooperative planning, the Department of Health and
13 Rehabilitative Services shall establish an annual plan for
14 financial management and services delivery and integration
15 designed to meet the comprehensive needs of the children and
16 youth served by the department. The plan shall become the
17 document used by all department staff in planning, budgeting,
18 implementing, monitoring, and evaluating all service delivery
19 for children and youth. All other documents developed at any
20 level within the department relating to services for children
21 and youth shall be consistent with this plan. In addition, a
22 5-year state plan shall be developed to be submitted with the
23 annual plan to the Governor and the Legislature by January 1,
24 1981. The plan shall be reviewed annually and updated at
25 least once every 5 years.

26 6. The responsibilities of the Deputy Assistant
27 Secretary for Regulation and Health Facilities shall include,
28 but are not limited to, certificate-of-need determinations,
29 Hill-Burton programs and licensure and certification of
30 programs external to the department for which the department
31 has a major regulatory responsibility, as well as those

1 functions authorized by law in conformance with Pub. L. No.
2 93-641. The assistant secretary may assign or delegate other
3 responsibilities of this office in keeping with the intent of
4 this act. The functions of this office relating to Pub. L.
5 No. 93-641 shall not be decentralized to the districts.

6 7. The responsibilities of the Deputy Assistant
7 Secretary for Medicaid shall encompass all Medicaid planning
8 and development functions, including, but not limited to,
9 policy and program development, program monitoring, provider
10 relations, interprogram planning, and program surveillance and
11 utilization review. In addition, the secretary shall appoint
12 a Medicaid Advisory Council in accordance with the provisions
13 of federal regulations relating to Medicaid and with those
14 provisions relating to program office advisory councils which
15 are not in conflict with the regulations.

16 8.a. The Deputy Assistant Secretary for Health shall
17 be the State Health Officer. The State Health Officer shall
18 be a physician licensed under chapter 458 or chapter 459,
19 shall have a master's degree in public health, and shall be
20 responsible for all health programs operated by the
21 department. The State Health Officer shall provide medical
22 supervision to the employees of all county public health units
23 established pursuant to part I of chapter 154, and shall
24 coordinate all health activities under the Assistant Secretary
25 for Programs and the Deputy Secretary for Operations.
26 "Medical supervision" means medical advice, consultation, and
27 direction given to county public health unit employees during
28 the management of a public health emergency. The term does
29 not include supervision or line authority in the performance
30 of routine public health duties.

31

1 b. The secretary shall appoint an Assistant Health
2 Officer for Public Health and Primary Care, an Assistant
3 Health Officer for Disease Control, and an Assistant Health
4 Officer for Interprogram Development and Technical Assistance,
5 each of whom shall serve at the pleasure of the secretary and
6 be directly responsible to the Deputy Assistant Secretary for
7 Health.

8 c. The secretary may appoint an advisory council for
9 public health and primary care.

10 (5) SERVICE DISTRICTS.--

11 (c) The duties of the district administrator shall
12 include, but are not limited to:

13 1. Ensuring that the administration of all service
14 programs is carried out in conformity with statewide service
15 plans and any other policies, procedures, and guidelines
16 established by the secretary.

17 2. Administering the offices of the department within
18 the district and directing and coordinating all personnel,
19 facilities, and programs of the department located in that
20 district, except as otherwise provided herein.

21 3. Applying standard information, referral, intake,
22 diagnostic and evaluation, and case management procedures
23 established by the secretary. Such procedures shall include
24 an a-single intake system for delinquency and family-in-need
25 of-services and child-in-need-of-services programs and a
26 protective investigation system for dependency programs
27 serving abandoned, abused, and neglected children dependency
28 juvenile-programs.

29 4. Centralizing to the greatest extent possible the
30 administrative functions associated with the provision of
31 services of the department within the district.

1 5. Coordinating the services provided by the
2 department in the district with those of other public and
3 private agencies which provide health, social, educational, or
4 rehabilitative services within the district.

5 6. Appointing district program managers, program
6 supervisors, and the superintendent of each institution within
7 the district and approving all other personnel appointments
8 within the district.

9 7. Establishing such policies and procedures as may be
10 required to discharge his duties and implement and conform the
11 policies, procedures, and guidelines established by the
12 secretary to the needs of the district.

13 8. Transferring up to 10 percent of the total district
14 budget, with the approval of the secretary, to maximize
15 effective program delivery, the provisions of ss. 216.292 and
16 216.351 notwithstanding.

17 Section 2. Section 39.01, Florida Statutes, is amended
18 to read:

19 39.01 Definitions.--When used in this chapter, the
20 term:

21 (1) "Abandoned" means a situation in which the parent
22 or legal custodian of a child or, in the absence of a parent
23 or legal custodian, the person responsible for the child's
24 welfare, while being able, makes no provision for the child's
25 support and makes no effort to communicate with the child,
26 which situation is sufficient to evince a willful rejection of
27 parental obligations. If the efforts of such parent or legal
28 custodian, or person primarily responsible for the child's
29 welfare to support and communicate with the child are, in the
30 opinion of the court, only marginal efforts that do not evince
31 a settled purpose to assume all parental duties, the court may

1 declare the child to be abandoned. The failure by any such
2 person to appear in response to actual or constructive service
3 in a dependency proceeding shall give rise to a rebuttable
4 presumption of such person's ability to provide for and
5 communicate with the child.

6 (2) "Abuse" means any willful act that results in any
7 physical, mental, or sexual injury that causes or is likely to
8 cause the child's physical, mental, or emotional health to be
9 significantly impaired.

10 (3) "Adjudicatory hearing" means a hearing provided
11 for under s. 39.09(1), in delinquency cases; s. 39.408(1), in
12 dependency cases; or s. 39.467, in termination of parental
13 rights cases.

14 (4) "Adult" means any natural person other than a
15 child.

16 (5) "Authorized agent of the department" means a
17 person assigned or designated by the department to perform
18 duties or exercise powers pursuant to this chapter.

19 (6) "Housekeeper/homemaker" ~~"Caretaker/homemaker"~~
20 means an authorized agent of the department who shall remain
21 in the child's home with the child until a parent, legal
22 guardian, or relative of the child enters the home and is
23 capable of assuming and agrees to assume charge of the child.

24 (7) "Child" means any unmarried person under the age
25 of 18 alleged to be dependent, in need of services, or from a
26 family in need of services, or any married or unmarried person
27 who is charged with a violation of law occurring prior to the
28 time that person reached the age of 18 years. For the
29 purposes of part IV of this chapter, "child" means an
30 unmarried person under the age of 18 years whose legal custody
31 has been awarded to the department or a licensed child-placing

1 or child-caring agency by order of a court or who has been
2 committed temporarily to the care of, or voluntarily placed
3 with, such an agency or the department by a parent, guardian,
4 or relative within the second degree of consanguinity.

5 (8) "Child in need of services" means a child for whom
6 there is no allegation or suspicion of abuse, neglect, or
7 abandonment and who, pursuant to this chapter, is found by the
8 court:

9 (a) To have persistently run away from his parents or
10 legal custodians despite reasonable efforts of the child, the
11 parents or legal custodians, and appropriate agencies to
12 remedy the conditions contributing to the behavior.
13 Reasonable efforts shall include voluntary participation by
14 the child's parents or legal custodians and the child in
15 family mediation, services, and treatment offered by the
16 department;

17 (b) To be habitually truant from school, while subject
18 to compulsory school attendance, despite reasonable efforts to
19 remedy the situation pursuant to s. 232.19 and through
20 voluntary participation by the child's parents or legal
21 custodians and by the child in family mediation, services, and
22 treatment offered by the department; or

23 (c) To have persistently disobeyed the reasonable and
24 lawful demands of his parents or legal custodians, and to be
25 beyond their control despite efforts by the child's parents or
26 legal custodians and appropriate agencies to remedy the
27 conditions contributing to the behavior. Reasonable efforts
28 may include such things as good faith participation in family
29 or individual counseling.

30 (9) "Child who has committed a delinquent act" means a
31 child who, pursuant to the provisions of this chapter, is

1 found by a court to have committed a felony, a misdemeanor,
2 contempt of court, or a violation of a local penal ordinance
3 and whose case has not been prosecuted as an adult case,
4 except that this definition shall not include an act
5 constituting contempt of court arising out of a dependency
6 proceeding or a proceeding pursuant to part IV of this
7 chapter.

8 (10) "Child who is found to be dependent" means a
9 child who, pursuant to this chapter, is found by the court:

10 (a) To have been abandoned, abused, or neglected by
11 his parents or other custodians.

12 (b) To have been surrendered to the department or a
13 licensed child-placing agency for purpose of adoption.

14 (c) To have been voluntarily placed with a licensed
15 child-caring agency, a licensed child-placing agency, or the
16 department, whereupon, pursuant to the requirements of part IV
17 of this chapter, a performance agreement has expired and the
18 parent or parents have failed to substantially comply with the
19 requirements of the agreement.

20 (d) To have been voluntarily placed with a licensed
21 child-placing agency for the purposes of subsequent adoption
22 and a natural parent or parents have signed a consent pursuant
23 to Florida Rules of Juvenile Procedure. The signing of the
24 consent shall be prima facie evidence of the voluntary placing
25 of the parent's or parents' child.

26 (11) "Child support" means a court-ordered obligation,
27 enforced pursuant to ss. 409.2551-409.2597, for monetary
28 support for the care, maintenance, training, and education of
29 a child.

30 (12) "Community control" means the legal status of
31 probation created by law and court order in cases involving a

child who has been found to have committed a delinquent act. Community control is an individualized program in which the freedom of the child is limited and the child is restricted to noninstitutional quarters or restricted to the child's home in lieu of commitment to the custody of the department in a training school, halfway house, or other residential program of the department.

(13) "Court," unless otherwise expressly stated, means the circuit court.

(14) "Protective investigation" means the acceptance of a report alleging that a child is an abused or neglected child, as defined in s. 415.503, by the central abuse registry and tracking system or the acceptance of a report of other dependency by the local children, youth, and families program office of the department, the investigation and classification of each report, the determination of whether action by the court is warranted, the determination of the disposition of each report without court or public agency action, when appropriate, the referral of a child to another public or private agency, when appropriate, and the recommendation by the protective investigator of court action, when appropriate.

(15)~~(14)~~ "Crisis home" means a homelike facility authorized by the department for the temporary placement and care of a child who does not require detention or shelter care but who is not able to remain in his own home. A crisis home need not be a licensed facility.

(16)~~(15)~~ "Department" means the Department of Health and Rehabilitative Services.

(17)~~(16)~~ "Detention care" means the temporary care of a child in a detention home or nonsecure detention program, including home detention and attention homes as authorized by

1 chapter 959, pending court disposition or execution of a court
2 order.

3 ~~(18)~~(17) "Detention hearing" means a hearing provided
4 for under s. 39.032, in delinquency cases, or s. 39.402, in
5 dependency cases.

6 ~~(19)~~(18) "Detention home" means a facility used
7 pending court disposition or execution of court order for the
8 temporary care of a child alleged or found to have committed a
9 violation of law. A detention home may provide secure or
10 nonsecure custody. A facility used for the commitment of
11 adjudicated delinquents shall not be considered a detention
12 home.

13 ~~(20)~~(19) "Diligent efforts by a parent" means a course
14 of conduct which results in substantial compliance with a
15 performance agreement or permanent placement plan.

16 ~~(21)~~(20) "Diligent efforts of social service agency"
17 means reasonable efforts to provide social services and
18 reunification services made by any agency that is a party to a
19 performance agreement or permanent placement plan.

20 ~~(22)~~(21) "Disposition hearing" means a hearing
21 provided for under s. 39.09(3), in delinquency cases; s.
22 39.408(2), in dependency cases; s. 39.44(3), in child-in-need-
23 of-services cases; or s. 39.469, in termination of parental
24 rights cases.

25 ~~(23)~~(22) "Family" means a collective body of persons,
26 consisting of a child and a parent, guardian, adult custodian,
27 or adult relative, in which:

28 (a) The persons reside in the same house or living
29 unit; or
30
31

(b) The parent, guardian, adult custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.

(24)(23) "Family in need of services" means a family that has a child for whom there is no allegation of abuse, neglect, or abandonment and who is referred to a law enforcement agency or the department for:

(a) Running away from parents or legal custodians;

(b) Persistently disobeying reasonable and lawful demands of parents or legal custodians, and for being beyond their control; or

(c) Habitual truancy from school.

(25)(24) "Foster care" means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.

(26)(25) "Halfway house" means a community-based residential program for 12 or more committed delinquents that is operated by the department.

(27)(26) "Intake" means the acceptance of a law enforcement report or complaint of delinquency, a family in need of services, or a child in need of services and the screening thereof to determine whether action by the court is warranted, the disposition of the report or complaint without court or public agency action when appropriate, the referral of the child to another public or private agency when appropriate, and the recommendation by the intake officer of court action when appropriate.

(28)(27) "Intake officer" means the authorized agent of the department performing the intake function for a child alleged to be delinquent, dependent, in need of services, or from a family in need of services.

1 ~~(29)~~(28) "Judge" means the circuit judge exercising
2 jurisdiction pursuant to this chapter.

3 ~~(30)~~(29) "Legal custody" means a legal status created
4 by court order or letter of guardianship which vests in a
5 custodian of the person or guardian, whether an agency or an
6 individual, the right to have physical custody of the child
7 and the right and duty to protect, train, and discipline him
8 and to provide him with food, shelter, education, and ordinary
9 medical, dental, psychiatric, and psychological care.

10 ~~(31)~~(30) "Licensed child-caring agency" means a
11 person, society, association, or agency licensed by the
12 department to care for, receive, and board children.

13 ~~(32)~~(31) "Licensed child-placing agency" means a
14 person, society, association, or institution licensed by the
15 department to care for, receive, or board children and to
16 place children in a licensed child-caring institution or a
17 foster or adoptive home.

18 ~~(33)~~(32) "Licensed health care professional" means a
19 physician licensed under chapter 458, an osteopathic physician
20 licensed under chapter 459, a nurse licensed under chapter
21 464, a physician's assistant certified under chapter 458, or a
22 dentist licensed under chapter 466.

23 ~~(34)~~(33) "Likely to injure oneself" means that, as
24 evidenced by violent or other actively self-destructive
25 behavior, it is more likely than not that within a 24-hour
26 period the child will attempt to commit suicide or inflict
27 serious bodily harm on himself.

28 ~~(35)~~(34) "Likely to injure others" means that it is
29 more likely than not that within a 24-hour period the child
30 will inflict serious and unjustified bodily harm on another
31 person.

1 (36)+35} "Mediation" means a process whereby a neutral
2 third party, whether an individual or a panel, acts to
3 encourage and facilitate the resolution of a dispute without
4 prescribing what such resolution should be. It is an informal
5 and nonadversarial process with the objective of helping the
6 disputing parties reach a mutually acceptable agreement.

7 (37)+36} "Necessary medical treatment" means care
8 which is necessary within a reasonable degree of medical
9 certainty to prevent the deterioration of a child's condition
10 or to alleviate immediate pain of a child.

11 (38)+37} "Neglect" occurs when the parent or legal
12 custodian of a child or, in the absence of a parent or legal
13 custodian, the person primarily responsible for the child's
14 welfare deprives a child of, or allows a child to be deprived
15 of, necessary food, clothing, shelter, or medical treatment or
16 permits a child to live in an environment when such
17 deprivation or environment causes the child's physical,
18 mental, or emotional health to be significantly impaired or to
19 be in danger of being significantly impaired. The foregoing
20 circumstances shall not be considered neglect if caused
21 primarily by financial inability unless services for relief
22 have been offered and rejected. A parent or guardian,
23 legitimately practicing his religious beliefs in accordance
24 with a recognized church or religious organization who thereby
25 does not provide specific medical treatment for a child shall
26 not, for that reason alone, be considered a negligent parent
27 or guardian; however, such an exception does not preclude a
28 court from ordering the following services to be provided,
29 when the health of the child so requires:
30
31

1 (a) Medical services from a licensed physician,
2 dentist, optometrist, podiatrist, or other qualified health
3 care provider; or

4 (b) Treatment by a duly accredited practitioner who
5 relies solely on spiritual means for healing in accordance
6 with the tenets and practices of a well-recognized church or
7 religious organization.

8 (39)~~(38)~~ "Nonsecure detention" means a program for the
9 temporary care of children, pending delinquency adjudication
10 or court disposition.

11 (40)~~(39)~~ "Parent" means the natural father or natural
12 mother of a child. If a child has been legally adopted, the
13 term "parent" means the adoptive mother or father of the
14 child.

15 (41)~~(40)~~ "Performance agreement" means a meaningful
16 document, written in layman's terms in the principal language,
17 to the extent possible, of the natural parent and in English,
18 which document:

19 (a) Is ordered by the court and reviewed by the court
20 for reasonableness, accuracy, and compliance with requirements
21 of other court orders and requirements of part IV of this
22 chapter;

23 (b) Is prepared by the social service agency
24 responsible for the foster home placement in conference with
25 the natural parents;

26 (c) Is signed by the parent, parents, or other
27 custodian of the child; the child's legal guardian; the social
28 service agency responsible for the foster home placement; the
29 foster parent; the guardian ad litem for the child, if one has
30 been appointed; and if appropriate, the child;

31

(d) For involuntary placements, specifically describes each circumstance on which the court based an initial adjudication of dependency under s. 39.409 and in which the parent or parents and the social service agency mutually agree to a written plan of action to prevent the recurrence of the facts found in the order which adjudicated the child dependent; and

(e) For voluntary placements, specifically describes each circumstance in which the child was voluntarily placed in foster care and in which the social service agency and the parent or parents agree to a written plan of action to prevent the recurrence of circumstances leading to placement.

(42)~~(42)~~ "Permanent placement plan" means a document, written in layman's terms in the principal language, to the extent possible, of the natural parent and in English, which document is ordered by the court and prepared by the social service agency when the natural parents will not or cannot participate in the preparation of a performance agreement. The permanent placement plan shall take the place of the performance agreement and shall meet all requirements pertaining to a performance agreement.

(43)~~(42)~~ "Preventive services" means social services and other supportive and rehabilitative services provided to the parent of the child, the legal guardian of the child, or the custodian of the child and to the child for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in the placement of a child in foster care. Social services and other supportive and rehabilitative services shall promote the child's need for a safe, continuous, stable, living environment and shall

1 promote family autonomy and shall strengthen family life
2 whenever possible.

3 (44) "Protective investigator" means an authorized
4 agent of the department who receives, investigates, and
5 classifies reports of child abuse or neglect as defined in s.
6 415.503, who may, as a result of the investigation, file a
7 dependency petition for the child under the criteria of s.
8 39.01(10)(a), and who performs other duties necessary to carry
9 out the required actions of the protective investigation
10 function.

11 (45)†43) "Protective supervision" means a legal status
12 in dependency cases, child-in-need-of-services cases, or
13 family-in-need-of-services cases which permits the child to
14 remain in his own home or other placement under the
15 supervision of an agent of the department, subject to being
16 returned to the court during the period of supervision.

17 (46)†44) "Reunification services" means social
18 services and other supportive and rehabilitative services
19 provided to the parent of the child, the legal guardian of the
20 child, or the custodian of the child, whichever is applicable,
21 the child, and where appropriate the foster parents of the
22 child for the purpose of enabling a child who has been placed
23 in foster care to return to his family at an earlier time than
24 would otherwise be possible and for the purpose of reducing
25 the likelihood of a child returning to foster care. Social
26 services and other supportive and rehabilitative services
27 shall promote the child's need for a safe, continuous, stable,
28 living environment and shall promote family autonomy and
29 strengthen family life whenever possible.

30 (47)†45) "Secure detention facility" means a
31 physically restricting facility for the temporary care of

1 children, pending delinquency adjudication or court
2 disposition.

3 ~~(48)~~+46+ "Shelter" means a place for the temporary
4 care of a child who is alleged to be or who has been found to
5 be dependent, a child from a family in need of services, or a
6 child in need of services, pending court disposition before or
7 after adjudication or after execution of a court order.
8 "Shelter" may include a facility which provides 24-hour
9 continual supervision for the temporary care of a child who is
10 placed pursuant to s. 39.422.

11 ~~(49)~~+47+ "Shelter hearing" means a hearing provided
12 for under s. 39.422 in family-in-need-of-services cases or
13 child-in-need-of-services cases.

14 ~~(50)~~+48+ "Social service agency" means the department,
15 a licensed child-caring agency, or a licensed child-placing
16 agency.

17 ~~(51)~~+49+ "Substantial compliance" means that the
18 circumstances which caused the placement in foster care have
19 been remedied to the extent that the well-being and safety of
20 the child will not be endangered upon the child's being
21 returned to the child's parent or guardian.

22 ~~(52)~~+50+ "Taken into custody" means the status of a
23 child immediately when temporary physical control over the
24 child is attained by a person authorized by law, pending the
25 child's release, detention, placement, or other disposition as
26 authorized by law.

27 ~~(53)~~+51+ "To be habitually truant" means that:

28 (a) The child has been absent from school without the
29 knowledge or justifiable consent of the child's parent or
30 legal guardian and is not exempt from attendance by virtue of
31 being over the age of compulsory school attendance or by

meeting the criteria in s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education;

(b) In addition to the actions described in ss. 230.2313(3)(c) and 232.17, the school administration has completed the following escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior:

1. One or more meetings have been held between a school attendance professional or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance professional or school social worker has documented the refusal of the parent or guardian to participate in the meetings, then this requirement has been met and the school administration shall proceed to the next escalating activity;

2. Educational counseling has been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes were instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child; and

3. Educational evaluation, which may include psychological evaluation, has been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition;

1 (c) A school social worker or other person designated
2 by the school administration, if the school does not have a
3 school social worker, and an intake officer of the department
4 have jointly investigated the truancy problem or, if that was
5 not feasible, have performed separate investigations to
6 identify conditions which may be contributing to the truant
7 behavior; and if, after a joint staffing of the case to
8 determine the necessity for services, such services were
9 determined to be needed, the persons who performed the
10 investigations met jointly with the family and child to
11 discuss any referral to appropriate community agencies for
12 economic services, family or individual counseling, or other
13 services required to remedy the conditions that are
14 contributing to the truant behavior; and

15 (d) The failure or refusal of the parent or legal
16 guardian or the child to participate, or make a good faith
17 effort to participate, in the activities prescribed to remedy
18 the truant behavior, or the failure or refusal of the child to
19 return to school after participation in activities required by
20 this subsection, or the failure of the child to stop the
21 truant behavior after the school administration and the
22 department have worked with the child as described in s.
23 232.19(3) shall be handled as prescribed in s. 232.19.

24 (54)+52 "Training school" means one of the following
25 facilities: the Arthur G. Dozier School or the Florida School
26 for Boys at Okeechobee.

27 (55)+53 "Violation of law" means a violation of any
28 law of the United States or of the state which is a
29 misdemeanor or a felony. "Violation of law" also means a
30 violation of a county or municipal ordinance which would be
31

1 punishable by incarceration if the violation were committed by
2 an adult.

3 (56)†54† "Waiver hearing" means a hearing provided for
4 under s. 39.09(2).

5 Section 3. Subsections (2) and (3) of section 39.401,
6 Florida Statutes, are amended to read:

7 39.401 Taking a child alleged to be dependent into
8 custody.--

9 (2) If the person taking the child into custody is not
10 a protective investigator an-intake-officer, he shall:

11 (a) Release the child to a parent, guardian, legal
12 custodian, responsible adult approved by the court when
13 limited to temporary emergency situations, responsible adult
14 relative, or responsible adult approved by the department;
15 within 3 days following such release, the person taking the
16 child into custody shall make a full written report to the
17 protective investigation intake office of the department for
18 cases involving allegations of abandonment, abuse, or neglect
19 or to the appropriate service unit of the local children,
20 youth, and families office within the department for other
21 dependency cases within-3-days; or

22 (b) Deliver the child to a protective investigator an
23 intake-officer of the department, stating the facts by reason
24 of which the child was taken into custody and sufficient
25 information to establish probable cause that the child is
26 abandoned, abused, or neglected dependent, and make a full
27 written report to the protective investigation intake office
28 of the department within 3 days; or-

29 (c) Deliver the child to the appropriate service unit
30 within the department and provide the required report to that
31 unit of the local children, youth, and families office.

(3) If the child is taken into custody by, or is delivered to, a protective investigator ~~an intake-officer~~, the protective investigator ~~intake-officer~~ shall review the facts and make such further inquiry as necessary to determine whether the child should remain in custody or be released. Unless shelter is required as provided in s. 39.402(1), the protective investigator ~~intake-officer~~ shall:

(a) Release the child to his parent, guardian, legal custodian, a responsible adult relative, or a responsible adult approved by the department; or

(b) Authorize placement of a housekeeper/homemaker ~~caretaker/homemaker~~ in the home of a child alleged to be dependent until the parent or legal custodian assumes care of the child.

Section 4. Subsections (3) and (4) and paragraph (b) of subsection (8) of section 39.402, Florida Statutes, are amended to read:

39.402 Placement in a shelter.--

(3) If the protective investigator ~~intake-officer~~ determines that placement in a shelter is necessary according to the provisions of subsections (1) and (2), the protective investigator ~~intake-officer~~ shall authorize placement of the child in a shelter and shall immediately notify the parents or legal custodians that the child was taken into custody.

(4) If the child is alleged to be both dependent and delinquent, the protective investigator ~~intake-officer~~ may authorize either placement in a shelter pursuant to this section or detention pursuant to s. 39.032.

(8)

(b) In the interval until the detention hearing is held pursuant to paragraph (a), the decision as to placement

1 in a shelter or release of the child from a shelter shall lie
2 with the protective investigator ~~intake-officer~~ in accordance
3 with subsection (3).

4 Section 5. Section 39.403, Florida Statutes, is
5 amended to read:

6 39.403 Protective investigation ~~intake~~.--

7 (1) Protective investigation ~~intake~~ shall be performed
8 by the department. A report or complaint alleging that a
9 child is dependent because such child is an abused or
10 neglected child, as defined in s. 415.503, shall be made to
11 the central abuse registry and tracking system. A complaint
12 alleging that a child is dependent, but not because such child
13 is an abused or neglected child, as defined in s. 415.503,
14 shall be made to the local children, youth, and families
15 program office of the department ~~shall be made to the intake~~
16 ~~office~~ operating in the county in which the child is found or
17 in which the case arose. Any person or agency having
18 knowledge of the facts may make a report or complaint. The
19 complainant shall furnish the protective investigation office
20 or the appropriate service unit of the local children, youth,
21 and families program office of the department, whichever is
22 appropriate, ~~intake-office~~ facts sufficient to establish the
23 jurisdiction of the court and to support a finding by the
24 court that the child is dependent.

25 (2) The protective investigator ~~intake-officer~~ shall
26 make a preliminary determination as to whether the report or
27 complaint is complete, consulting with the state attorney or
28 assistant state attorney when necessary. In any case in which
29 the protective investigator ~~intake-officer~~ or the state
30 attorney finds that the report or complaint is incomplete, the
31 protective investigator ~~intake-officer~~ or state attorney shall

1 return the report or complaint without delay to the person or
 2 agency originating the report or complaint or having knowledge
 3 of the facts or to the appropriate law enforcement agency
 4 having investigative jurisdiction and request additional
 5 information in order to complete the report or complaint;
 6 however, the confidentiality of any report filed in accordance
 7 with ss. 415.502-415.514 shall not be violated.

8 (a) If the protective investigator ~~intake-officer~~
 9 determines that the report or complaint is complete, he may,
 10 after determining that such action would be in the best
 11 interests of the child, file a petition for dependency.

12 (b) If the protective investigator ~~intake-officer~~
 13 determines that the report or complaint is complete, but that
 14 in his judgment the interest of the child and the public will
 15 be best served by providing the child care or other treatment
 16 voluntarily accepted by the child and his parents or legal
 17 custodians, the protective investigator ~~intake-officer~~ may
 18 refer the child for such care or other treatment.

19 (c) If the protective investigator ~~intake-officer~~
 20 refuses to file a petition for dependency, the complainant
 21 shall be advised of his right to file a petition pursuant to
 22 this part.

23 Section 6. Subsections (3) and (6) of section 39.404,
 24 Florida Statutes, are amended to read:

25 39.404 Petition for dependency.--

26 (3) When the child has been taken into custody, a
 27 petition alleging dependency shall be filed within 7 days of
 28 the date the child is taken into custody. In all other cases,
 29 the petition shall be filed within a reasonable time after the
 30 date the child was referred to protective investigation ~~intake~~
 31 pursuant to s. 39.403.

(6) When a petition for dependency has been filed and the parents or custodians of the child have advised the protective investigation intake office that the truth of the allegations is acknowledged and that no contest is to be made of the adjudication, the protective investigator intake officer may set the case before the court for an adjudicatory hearing. Neither the state attorney nor an assistant state attorney shall be required to be present at the adjudicatory hearing. Should there be a change in the plea at this hearing, the court shall continue the hearing to permit the state attorney to prepare and present the case for the state.

Section 7. Subsection (2) of section 39.423, Florida Statutes, is amended to read:

39.423 Intake.--

(2) The intake officer shall make a preliminary determination as to whether the report or complaint is complete. The criteria for the completeness of a report or complaint with respect to a child alleged to be from a family in need of services while subject to compulsory school attendance shall be governed by s. 39.01(53)(5i). In any case in which the intake officer finds that the report or complaint is incomplete, the intake officer shall return the report or complaint without delay to the person or agency originating the report or complaint or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction and request additional information in order to complete the report or complaint.

Section 8. Section 415.103, Florida Statutes, is amended to read:

415.103 Mandatory reporting of abuse, neglect, or exploitation of aged persons or disabled adults; mandatory

1 reports of death; central abuse registry and tracking system;
2 immunity from liability.--

3 (1) MANDATORY REPORTING.--

4 (a) Any person, including, but not limited to, any:

5 1. Physician, osteopath, medical examiner,
6 chiropractor, nurse, or hospital personnel engaged in the
7 admission, examination, care, or treatment of aged persons or
8 disabled adults;

9 2. Health or mental health professional other than one
10 listed in subparagraph 1.;

11 3. Practitioner who relies solely on spiritual means
12 for healing;

13 4. Nursing home staff, adult congregate living
14 facility staff, adult day care center staff, social worker, or
15 other professional adult care, foster care, residential, or
16 institutional staff;

17 5. State, county, or municipal criminal justice
18 employee or law enforcement officer; or

19 6. Human rights advocacy committee or long-term care
20 ombudsman council member, who knows, or has reasonable cause
21 to suspect, that an aged person or disabled adult is an
22 abused, neglected, or exploited person shall immediately
23 report such knowledge or suspicion to the central abuse
24 registry and tracking system of the department on the single
25 statewide toll-free telephone number ~~or directly to the local~~
26 ~~office of the department responsible for investigation of~~
27 ~~reports made pursuant to this section.~~

28 (b) To the extent possible, a report made pursuant to
29 paragraph (a) shall contain, but not be limited to, the
30 following information:
31

- 1 1. Name, age, race, sex, and physical description of
- 2 each aged person or disabled adult alleged to have been
- 3 abused, neglected, or exploited;
- 4 2. Names, addresses, and telephone numbers of the
- 5 alleged victim's family members;
- 6 3. Name, address, and telephone number of each alleged
- 7 perpetrator of abuse, neglect, or exploitation;
- 8 4. Name, address, and telephone number of the
- 9 caregiver of the aged person or disabled adult, if different
- 10 from the alleged perpetrator;
- 11 5. Name, address, and telephone number of the person
- 12 reporting the alleged abuse, neglect, or exploitation
- 13 involving the victim or the alleged perpetrator;
- 14 6. Description of the physical injuries sustained;
- 15 7. Actions taken by the reporter, if any, such as
- 16 notification of the criminal justice agency; and
- 17 8. Any other information available to the reporting
- 18 person which may establish the cause of abuse, neglect, or
- 19 exploitation which occurred or is occurring.
- 20 (2) MANDATORY REPORTS OF DEATH.--Any person required
- 21 to report or investigate cases of suspected abuse, neglect, or
- 22 exploitation who has reasonable cause to suspect that an aged
- 23 person or disabled adult died as a result of abuse, neglect,
- 24 or exploitation shall report his suspicion to the appropriate
- 25 medical examiner. The medical examiner shall accept the
- 26 report for investigation pursuant to s. 406.11 and shall
- 27 report his findings, in writing, to the appropriate local
- 28 criminal justice agency, the appropriate state attorney, and
- 29 the department. Autopsy reports maintained by the medical
- 30 examiner are not subject to the confidentiality requirements
- 31 provided for in s. 415.107.

(3) CENTRAL ABUSE REGISTRY AND TRACKING SYSTEM.--

(a) The department shall establish and maintain a central abuse registry and tracking system which shall receive all reports made pursuant to this section in writing or through a single statewide toll-free telephone number which any person may use to report known or suspected abuse, neglect, or exploitation of an aged person or disabled adult at any hour of the day or night, any day of the week. The central abuse registry and tracking system shall be operated in such a manner as to enable the department to:

1. Immediately identify and locate, through the department's automated tracking system, prior reports or cases of adult abuse, neglect, or exploitation.

2. Monitor and evaluate the effectiveness of the department's program for reporting, and investigating, and classifying suspected abuse, neglect, or exploitation of aged persons or disabled adults, and the provision of protective services to such persons through the development and analysis of statistical and other information, and to report thereon.

3. Track critical steps in the investigative process to ensure compliance with all requirements for all reports.

4.3+ Maintain and produce aggregate statistical reports for monitoring patterns of abuse, neglect, or exploitation of aged persons or disabled adults.

5.4+ Serve as a resource for the evaluation, management, and planning of preventive and remedial services for aged persons or disabled adults who have been subject to abuse, neglect, or exploitation.

(b) Upon receiving an oral or written report of known or suspected abuse, neglect, or exploitation of an aged person or disabled adult, the central abuse registry and tracking

1 system shall determine if the report requires an immediate on-
2 site protective investigation immediately notify the
3 designated aging and adult services district staff of the
4 department with respect to the report, any previous report
5 concerning a subject of the present report, or any other
6 pertinent information relative thereto. For reports requiring
7 an immediate on-site protective investigation, the central
8 abuse registry and tracking system shall immediately notify
9 the department's designated aging and adult services district
10 staff responsible for protective investigations to ensure an
11 on-site investigation is promptly initiated. For reports not
12 requiring an immediate on-site protective investigation, the
13 central abuse registry and tracking system shall notify the
14 department's designated aging and adult services district
15 staff responsible for protective investigations in sufficient
16 time to allow for an investigation to be commenced within 24
17 hours. At the time of notification of district staff with
18 respect to the report, the central abuse registry and tracking
19 system shall also provide information on any previous report
20 concerning a subject of the present report or any pertinent
21 information relative to the present report or any noted
22 earlier reports.

23 (c) Upon completion of its investigation, the
24 designated aging and adult services district staff of the
25 department shall classify reports either as "confirmed,"
26 "indicated," or "unfounded." At this time, the department
27 shall notify the victim named in the report, the guardian or
28 guardians or the caregiver of the aged person or disabled
29 adult named as the victim, and the alleged perpetrator, if
30 other than the guardian or guardians or the caregiver, of the
31 completion of the investigation of the report, the

1 classification of the report, and the right to ask for
 2 amendment or expunction pursuant to paragraph (d). All
 3 identifying information in the central abuse registry and
 4 tracking system or other computer systems or records that is
 5 related to an unfounded report shall be expunged 1 year after
 6 the case is classified as "unfounded." All identifying
 7 information in the central abuse registry and tracking system
 8 related to an indicated report shall be expunged from the
 9 central abuse registry and tracking system 7 years after from
 10 the date of the last indicated report concerning any person
 11 named in the report. All information, other than identifying
 12 information, related to an indicated or unfounded report at
 13 the time of expunction shall be disposed of in a manner deemed
 14 appropriate by the department and pursuant to ss. 119.041 and
 15 257.36(7). Unfounded ~~and-indicated~~ reports shall only be
 16 indexed by the name of the aged person or disabled adult to
 17 detect patterns of abuse, neglect, or exploitation. Persons
 18 named in unfounded or indicated reports shall not be
 19 identified as alleged perpetrators. All information in the
 20 central abuse registry and tracking system or other computer
 21 systems or records shall be subject to the confidentiality
 22 provisions in s. 415.107.

23 (d)1. Where it is shown that the record is inaccurate
 24 or inconsistent with ss. 415.101-415.113, the department shall
 25 amend or expunge the record. The department shall notify the
 26 victim and the alleged perpetrator of what amendment is made
 27 to the record or of the expunction of the record.

28 2. Subsequent to the completion of the department's
 29 investigation, the victim or alleged perpetrator of a
 30 confirmed report may request the secretary to amend or expunge
 31 the case record and all identifying information in the central

1 abuse registry and tracking system or other computer systems
2 or records pertaining to that report on the grounds that the
3 record is inaccurate or is being maintained in a manner
4 inconsistent with ss. 415.101-415.113.

5 3. Notice to the alleged perpetrator of a confirmed
6 report shall state that:

7 a. The report has been classified as confirmed;

8 b. The alleged perpetrator of a confirmed report may
9 be disqualified from working with children or the
10 developmentally disabled or from working in sensitive
11 positions involving the care of children, the developmentally
12 disabled, disabled adults, or aged persons;

13 c. The alleged perpetrator may request amendment or
14 expunction of the confirmed report, if the alleged perpetrator
15 does not agree with the classification;

16 d. The request by the alleged perpetrator for
17 amendment or expunction of the confirmed report must be
18 received by the department within 30 days after the alleged
19 perpetrator receives notice of the classification of the
20 report;

21 e. The alleged perpetrator can obtain more information
22 by calling the person whose name and telephone number are
23 provided in the notice; and

24 f. The failure to timely ask for amendment or
25 expunction means the alleged perpetrator agrees not to contest
26 the classification of the report.

27
28 Notice to the alleged perpetrator shall be sent by certified
29 mail.

30 4. Failure to respond within the time specified in
31 subparagraph 3. means that the alleged perpetrator agrees not

1 to contest the classification of the report. The alleged
2 perpetrator may, within 1 year of the classification of the
3 report as confirmed, request the department to set aside a
4 confirmed report where it can be shown that the failure to ask
5 for amendment or expunction was due to excusable neglect or
6 fraud. The standard for excusable neglect or fraud shall be
7 as provided in the Rules of Civil Procedure.

8 5. If the alleged perpetrator asks for amendment or
9 expunction, the secretary may amend or expunge the record. If
10 the secretary refuses or does not act within 30 days after
11 receiving such a request, the alleged perpetrator shall have
12 the right to an administrative hearing to contest whether the
13 record of the report should be amended or expunged. At the
14 chapter 120 hearing the department shall prove by a
15 preponderance of evidence that the perpetrator committed the
16 abuse or neglect. If the secretary refuses to amend or
17 expunge and the alleged perpetrator fails to timely ask for an
18 administrative hearing, the failure to timely ask shall mean
19 that the alleged perpetrator agrees not to contest the
20 secretary's decision and the findings of the confirmed report
21 of abuse or neglect. If the secretary refuses to amend or
22 expunge and the alleged perpetrator asks for an administrative
23 hearing and the department's classification is upheld, the
24 report shall remain as confirmed. Any person who is named in
25 an indicated report shall not have the right to challenge the
26 department's classification system through the department or
27 through an administrative hearing under chapter 120.

28 6. The confidentiality of the abuse or neglect report
29 shall, to the extent possible, be maintained during the
30 administrative hearing process. The administrative hearing
31 shall be closed, the administrative files shall be closed and

not disclosed to the public under s. 119.07(1), and any identifying information in the recommended or final order shall be deleted prior to publishing pursuant to chapter 120.

(e) Nothing in this section is intended to require the expunction or destruction of case records or information required by the Federal Government to be retained for future audit.

(4) POSTING STATEWIDE TOLL-FREE TELEPHONE NUMBER FOR THE CENTRAL ABUSE REGISTRY AND TRACKING SYSTEM.--

(a) The statewide toll-free telephone number for the central abuse registry and tracking system shall be posted in all facilities operated by or under contract with or licensed by the department which provide services to aged persons or disabled adults. Such posting shall be clearly visible and in a prominent place within the facility and shall be accompanied by the words, "To Report the Abuse, Neglect, or Exploitation of an Aged Person or Disabled Adult, Please call Toll-free 1-800-342-9152."

(b) Every facility serving aged persons or disabled adults shall inform residents of their rights to report abusive, neglectful, or exploitive practices and shall establish appropriate policies and procedures to facilitate such reporting.

(5) IMMUNITY.--

(a) Any person participating in the making of a report pursuant to this section or participating in a judicial proceeding resulting therefrom is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from any liability, civil or criminal, that otherwise might be incurred or imposed. Nothing contained in this section shall be deemed to grant

1 immunity, civil or criminal, to any person suspected of having
2 abused, neglected, or exploited, or committed any illegal act
3 upon or against, an aged person or disabled adult. Further,
4 no resident or employee of a facility serving aged persons or
5 disabled adults may be subjected to reprisal or discharge
6 because of his actions in reporting abuse, neglect, or
7 exploitation pursuant to the requirements of this section.

8 (b) Any person making a report under this section
9 shall have a civil cause of action for appropriate
10 compensatory and punitive damages against any person who
11 causes detrimental changes in the employment status of such
12 reporting party by reason of his making such report. Any
13 detrimental change made in the residency or employment status
14 of such person, such as, but not limited to, discharge,
15 termination, demotion, transfer, or reduction in pay or
16 benefits or work privileges, or negative evaluations, within a
17 prescribed period of time shall establish a rebuttable
18 presumption that such action was retaliatory.

19 Section 9. Subsections (1) and (2) of section 415.104,
20 Florida Statutes, are amended to read:

21 415.104 Protective services investigations of cases of
22 abuse, neglect, or exploitation of aged persons or disabled
23 adults; transmittal of records to state attorney.--

24 (1) The department shall, upon receipt of a report
25 alleging abuse, neglect, or exploitation of an aged person or
26 disabled adult, commence, or cause to be commenced within 24
27 hours, a protective services investigation of the facts
28 alleged therein. If, upon arrival at the scene of the
29 incident, a caregiver refuses to allow the department to begin
30 a protective services investigation or interferes with the
31 department's ability to conduct such an investigation, the

1 appropriate law enforcement agency shall be contacted. If,
2 during the course of the investigation, the department has
3 reason to believe that the abuse, neglect, or exploitation is
4 perpetrated by a second party, the appropriate criminal
5 justice agency shall be orally notified in order that such
6 agency may begin a criminal investigation concurrent with the
7 protective services investigation of the department. The
8 department shall make a preliminary written report to the
9 criminal justice agency within 5 working days of the oral
10 report. The department shall, within 24 hours after receipt
11 of the report, notify the appropriate human rights advocacy
12 committee, or long-term care ombudsman council, when
13 appropriate, that an alleged abuse, neglect, or exploitation
14 perpetrated by a second party has occurred. Notice to the
15 human rights advocacy committee or long-term care ombudsman
16 council may be accomplished orally or in writing and shall
17 include the name and location of the aged person or disabled
18 adult alleged to have been abused, neglected, or exploited and
19 the nature of the report. For each report it receives, the
20 department shall perform an on-site investigation to:

21 (a) Determine that the person is an aged person or
22 disabled adult as defined in s. 415.102.

23 (b) Determine the composition of the family or
24 household, including the name, address, date of birth age,
25 social security number, sex, and race of each aged person or
26 disabled adult named in the report; any others in the
27 household or in the care of the caregiver, or any other
28 persons responsible for the aged person's or disabled adult's
29 welfare; and any other adults in the same household.

30 (c) Determine whether there is an indication that any
31 aged person or disabled adult is abused, neglected, or

1 exploited, including a determination of harm or threatened
 2 harm to any aged person or disabled adult; the nature and
 3 extent of present or prior injuries, abuse, or neglect, and
 4 any evidence thereof; and a determination as to the person or
 5 persons apparently responsible for the abuse, neglect, or
 6 exploitation, including the name, address, date of birth,
 7 social security number, sex, and race of each person to be
 8 classified as a perpetrator in a confirmed report. An alleged
 9 perpetrator of a confirmed report of abuse and neglect or
 10 exploitation shall cooperate in providing required data for
 11 the identification and tracking system to the fullest extent
 12 possible.

13 (d) Determine the immediate and long-term risk to each
 14 aged person or disabled adult utilizing standardized risk
 15 assessment instruments; if such person remains in the existing
 16 environment.

17 (e) Determine the protective, treatment, and
 18 ameliorative services necessary to safeguard and ensure the
 19 aged person's or disabled adult's well-being and cause the
 20 delivery of those services through early intervention by the
 21 departmental worker responsible for providing service and
 22 managing identified services.

23
 24 If the department has reason to believe that the abuse,
 25 neglect, or exploitation is perpetrated by a second party, the
 26 state attorney in whose circuit the alleged abuse, neglect, or
 27 exploitation occurred shall be notified.

28 (2) No later than 30 days after receiving the initial
 29 report, the designated aging and adult services district staff
 30 of the department shall complete its investigation; determine
 31 whether the reported abuse, neglect, or exploitation was

1 "confirmed," "indicated," or "unfounded"; and report its
2 findings to the department's central abuse registry and
3 tracking system.

4 Section 10. Subsections (1), (4), and (5) of section
5 415.107, Florida Statutes, are amended to read:

6 415.107 Confidentiality of reports and records in
7 cases of abuse, neglect, or exploitation of aged persons or
8 disabled adults.--

9 (1) In order to protect the rights of the individual
10 or other persons responsible for the welfare of an aged person
11 or disabled adult, all records concerning reports of abuse,
12 neglect, or exploitation of the aged person or disabled adult,
13 including reports made to the central abuse registry and
14 tracking system ~~and-to-designated-aging-and-adult-services~~
15 ~~district-offices-of-the-department~~, and all records generated
16 as a result of such reports shall be confidential and exempt
17 from the provisions of s. 119.07(1) and shall not be disclosed
18 except as specifically authorized by ss. 415.101-415.113.

19 (4) The name of any person reporting adult abuse,
20 neglect, or exploitation shall in no case be released to any
21 person other than employees of the department responsible for
22 adult protective services, the central abuse registry and
23 tracking system, or the appropriate state attorney without the
24 written consent of the person reporting abuse, neglect, or
25 exploitation when deemed necessary by the state attorney or
26 the department to protect an aged person or disabled adult who
27 is the subject of a report, provided the fact that such person
28 made the report is not disclosed. This does not prohibit the
29 subpoena of a person reporting adult abuse, neglect, or
30 exploitation when deemed necessary by the state attorney or
31 the department to protect an aged person or disabled adult who

1 is the subject of a report, provided the fact that such person
2 made the report is not disclosed. Any person who reports a
3 case of adult abuse, neglect, or exploitation may, at the time
4 he makes the report, request that the department notify him
5 that an adult protective services investigation occurred as a
6 result of the report. The department shall mail such a notice
7 to the reporter within 10 working days of the completion of
8 the adult protective services investigation.

9 (5)(a) The department shall search its central abuse
10 registry and tracking system records pursuant to the
11 requirements of ss. 110.1127, 393.0655, 394.457, 396.0425,
12 397.0715, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and
13 959.06 for the existence of a confirmed report made on the
14 personnel as defined in the foregoing provisions. The search
15 shall also include indicated reports prior to July 1, 1987.
16 Reports prior to 1978 shall not be included. If the search
17 reveals an indicated report prior to July 1, 1987, the
18 department shall review the report to determine whether the
19 indicated report shall remain classified as "indicated" or
20 shall be classified as "confirmed" according to the
21 definitions in s. 415.102. If the report remains classified
22 as "indicated," the individual shall not be disqualified. If
23 the report is classified as "confirmed," the department shall
24 notify the individual according to the provisions in s.
25 415.103(3)(d). The department shall report the existence of
26 any confirmed report and advise the authorized licensing
27 agency, applicant for licensure, or other authorized agency or
28 person of the results of the search, the date of the report,
29 whether 30 days have elapsed for requests for expunction or
30 amendment, failure of the alleged perpetrator to respond
31 pursuant to s. 415.103(3)(d), and results of any hearing

1 conducted by the secretary and any subsequent administrative
2 hearing. The department shall not release any information on
3 unfounded or indicated reports. Prior to a search being
4 conducted, the department or its designee shall notify such
5 person that an inquiry will be made. The department shall
6 notify each person for whom a search is conducted of the
7 results of the search upon request.

8 (b) The department shall, upon receipt of an
9 application of a person applying for an initial license or
10 renewal of a license for a facility to provide day or
11 residential care for aged persons or disabled adults, search
12 its central abuse registry and tracking system for the
13 existence of a confirmed report of child or adult abuse,
14 neglect, or exploitation as defined in ss. 415.102(1), (5),
15 (9), (11), and (13) and 415.503(3), (5), and (9) and advise
16 the licensing agent of any report found and the results of the
17 investigation conducted pursuant thereto, including whether 30
18 days have elapsed for requests for expunction or amendment,
19 failure of the perpetrator to respond pursuant to s.
20 415.103(3)(d) or s. 415.504(4)(d), and results of any hearing
21 conducted by the secretary and any subsequent administrative
22 hearing held on the report. Such a report shall disqualify an
23 individual from licensure, but the department may grant an
24 exemption from disqualification if the department has clear
25 and convincing evidence to support a reasonable belief that
26 the person is of good character so as to justify an exemption.
27 The person shall bear the burden of setting forth sufficient
28 evidence of rehabilitation, including, but not limited to, the
29 circumstances surrounding the incident, the nature of the harm
30 occasioned to the victim, and the history of the person since
31 the incident, or such other circumstances that shall by the

1 | aforementioned standards indicate that the person will not
2 | present a danger to the safety or well-being of aged persons
3 | or disabled adults. The decision of the department regarding
4 | an exemption may be contested through a hearing pursuant to
5 | chapter 120. A disqualified person may also request amendment
6 | or expunction of the report pursuant to s. 415.103(3)(d). For
7 | purposes of a licensure application, these remedies must be
8 | requested within 30 days of notification, or be deemed waived.
9 | The department shall notify any individual disqualified from
10 | licensure of the right to appeal that disqualification, of
11 | remedies available, and of the time limit for requesting such
12 | remedies pursuant to the provisions of this subsection. The
13 | department may issue no license until screening procedures
14 | and, if necessary, administrative remedies are complete.
15 | However, a conditional or provisional license may be issued in
16 | the case of an existing licensed facility for only that time
17 | necessary to complete the above screening procedures and
18 | administrative remedies. No application for licensure shall
19 | be deemed complete until all requested screening information
20 | has been correctly submitted pursuant to department procedure.

21 | Section 11. Section 415.111, Florida Statutes, is
22 | amended to read:

23 | 415.111 Penalties for failing to report or preventing
24 | report, or for disclosing confidential information, relating
25 | to abuse, neglect, or exploitation of aged person or disabled
26 | adult or for act of such abuse, neglect, or exploitation;
27 | penalties for making false reports.--

28 | (1) Any person required by s. 415.103 to report a case
29 | of known or suspected abuse, neglect, or exploitation of an
30 | aged person or disabled adult who knowingly and willfully
31 | fails to do so, or who knowingly and willfully prevents

1 another person from doing so, is guilty of a misdemeanor of
2 the second degree, punishable as provided in s. 775.082, s.
3 775.083, or s. 775.084.

4 (2) Any person who knowingly and willfully makes
5 public or discloses any confidential information contained in
6 the central abuse registry and tracking system, or in other
7 computer systems, or in the records of any case of abuse,
8 neglect, or exploitation of an aged person or disabled adult,
9 except as provided in ss. 415.101-415.113, is guilty of a
10 misdemeanor of the second degree, punishable as provided in s.
11 775.082, s. 775.083, or s. 775.084.

12 (3) Any person who knowingly or willfully abuses,
13 neglects, or exploits an aged person or disabled adult and, in
14 so doing, causes great bodily harm, permanent disfigurement,
15 or permanent disability to such person is guilty of a felony
16 of the second degree, punishable as provided in s. 775.082, s.
17 775.083, or s. 775.084.

18 (4) Any person who knowingly or willfully abuses,
19 neglects, or exploits an aged person or disabled adult is
20 guilty of a misdemeanor of the first degree, punishable as
21 provided in s. 775.082, s. 775.083, or s. 775.084.

22 (5) Any person who knowingly and willfully makes a
23 false report of abuse, neglect, or exploitation of an aged
24 person or disabled adult or any person who advises another to
25 make a false report, is guilty of a misdemeanor of the second
26 degree, punishable as provided in s. 775.082, s. 775.083, or
27 s. 775.084. Anyone making such a report who is acting in good
28 faith is immune from any liability under this subsection.

29 Section 12. Subsection (4) of section 415.503, Florida
30 Statutes, is amended to read:
31

1 415.503 Definitions of terms used in ss. 415.502-
2 415.514.--As used in ss. 415.502-415.514:

3 (4) "Child protection team" means a team of
4 professionals established by the department to receive
5 referrals from the protective investigators single-intake and
6 protective supervision services staff of the children, youth,
7 and families program and to provide specialized and supportive
8 services to the program in processing child abuse and neglect
9 cases. A child protection team shall provide consultation to
10 other programs of the department and other persons on child
11 abuse and neglect cases pursuant to s. 415.5055(1)(g).

12 Section 13. Section 415.504, Florida Statutes, is
13 amended to read:

14 415.504 Mandatory reports of child abuse or neglect;
15 mandatory reports of death; central abuse registry and
16 tracking system.--

17 (1) Any person, including, but not limited to, any:

18 (a) Physician, osteopath, medical examiner,
19 chiropractor, nurse, or hospital personnel engaged in the
20 admission, examination, care, or treatment of persons;

21 (b) Health or mental health professional other than
22 one listed in paragraph (a);

23 (c) Practitioner who relies solely on spiritual means
24 for healing;

25 (d) School teacher or other school official or
26 personnel;

27 (e) Social worker, day care center worker, or other
28 professional child care, foster care, residential, or
29 institutional worker; or

30 (f) Law enforcement officer,
31

1
2 who knows, or has reasonable cause to suspect, that a child is
3 an abused or neglected child shall report such knowledge or
4 suspicion to the department in the manner prescribed in
5 subsection (2).

6 (2)(a) Each report of known or suspected child abuse
7 or neglect pursuant to this section shall be made immediately
8 to the department's central abuse registry and tracking system
9 on the single statewide toll-free telephone number ~~or directly~~
10 ~~to the local office of the department responsible for~~
11 ~~investigation of reports made pursuant to this section.~~

12 (b) Each report made by a person in an occupation
13 designated in subsection (1) shall be confirmed in writing to
14 the local office of the department, designated by the central
15 abuse registry and tracking system, within 48 hours after of
16 the initial report.

17 (c) Reports involving known or suspected institutional
18 child abuse or neglect shall be made and received in the same
19 manner as all other reports made pursuant to this section.

20 (3) Any person required to report or investigate cases
21 of suspected child abuse or neglect who has reasonable cause
22 to suspect that a child died as a result of child abuse or
23 neglect shall report his suspicion to the appropriate medical
24 examiner. The medical examiner shall accept the report for
25 investigation pursuant to s. 406.11 and shall report his
26 findings, in writing, to the local law enforcement agency, the
27 appropriate state attorney, and the department. Autopsy
28 reports maintained by the medical examiner shall not be
29 subject to the confidentiality requirements provided for in s.
30 415.51.
31

- 1 (4)(a) The department shall establish and maintain a
2 central abuse registry and tracking system which shall receive
3 all reports made pursuant to this section in writing or
4 through a single statewide toll-free telephone number which
5 any person may use to report known or suspected child abuse or
6 neglect at any hour of the day or night, any day of the week.
7 The central abuse registry and tracking system shall be
8 operated in such a manner as to enable the department to:
9 1. Immediately identify and locate prior reports or
10 cases of child abuse or neglect utilizing the department's
11 automated tracking system.
12 2. Monitor and Regularly evaluate the effectiveness of
13 the department's program for reporting, investigating, and
14 classifying suspected abuse or neglect of abused-and-neglected
15 children through the development and analysis of statistical
16 and other information.
17 3. Track critical steps in the investigative process
18 to ensure compliance with all requirements for all reports of
19 abuse or neglect.
20 4. Maintain and produce aggregate statistical reports
21 for monitoring patterns of child abuse or neglect.
22 5. Serve as a resource for the evaluation, management,
23 and planning of preventive and remedial services for children
24 who have been subject to abuse or neglect.
25 (b) Upon receiving an oral or written report of known
26 or suspected child abuse or neglect, the central abuse
27 registry and tracking system shall determine if the report
28 requires an immediate on-site protective investigation
29 ~~immediately-notify-the-local-office-of-the-department-with~~
30 ~~respect-to-the-report-any-previous-report-concerning-a~~
31 ~~subject-of-the-present-report-or-any-other-pertinent~~

1 information relative thereto. For reports requiring an
2 immediate on-site protective investigation, the central abuse
3 registry and tracking system shall immediately notify the
4 department's designated children, youth, and families program
5 office district staff responsible for protective
6 investigations to ensure an on-site investigation is promptly
7 initiated. For reports not requiring an immediate on-site
8 protective investigation, the central abuse registry and
9 tracking system shall notify the department's designated
10 children, youth, and families program office district staff
11 responsible for protective investigations in sufficient time
12 to allow for an investigation to be commenced within 24 hours.
13 At the time of notification of district staff with respect to
14 the report, the central abuse registry and tracking system
15 shall also provide information on any previous report
16 concerning a subject of the present report or any pertinent
17 information relative to the present report or any noted
18 earlier reports.

19 (c) Upon completion of its investigation, the local
20 office of the department shall classify reports as
21 "confirmed," "indicated," or "unfounded." At this time the
22 department shall notify the parent or guardian of the child,
23 the child if appropriate, and the alleged perpetrator if other
24 than the child's parent or guardian, of the completion of its
25 investigation of the report and whether the report is
26 classified as "confirmed," "indicated," or "unfounded." All
27 identifying information in the central abuse registry and
28 tracking system or other computer systems or records that is
29 related to unfounded reports shall be expunged 1 year after
30 the case is classified as "unfounded." All identifying
31 information in the central abuse registry and tracking system

1 or other computer systems or records that is related to an
 2 indicated report shall be expunged from the central abuse
 3 registry and tracking system 7 years after from the date of
 4 the last indicated report concerning any person named in the
 5 report. All information, other than identifying information,
 6 related to indicated or unfounded reports at the time of
 7 expunction shall be disposed of in a manner deemed appropriate
 8 by the department and pursuant to ss. 119.041 and 257.36(7).
 9 Unfounded ~~and indicated~~ reports shall only be indexed by the
 10 name of the child to detect patterns of abuse or neglect.
 11 Persons named in the unfounded or indicated reports shall not
 12 be identified as alleged perpetrators. All information in the
 13 central abuse registry and tracking system or other computer
 14 systems or records shall be subject to the confidentiality
 15 provisions in s. 415.51.

16 (d)1. Where it is shown that the record is inaccurate
 17 or inconsistent with ss. 415.501-415.514, the department shall
 18 amend or expunge the record. The department shall notify the
 19 parent or guardian of the child, the child if appropriate, and
 20 the alleged perpetrator if other than the child's parent or
 21 guardian of what amendment is made to the record or of the
 22 expunction of the record.

23 2. Subsequent to the completion of the department's
 24 investigation, any alleged perpetrator of a confirmed report
 25 may request the secretary to amend or expunge the case record
 26 and all identifying information in the central abuse registry
 27 and tracking system or other computer systems or records
 28 pertaining to that report on the grounds that the record is
 29 inaccurate or is being maintained in a manner inconsistent
 30 with ss. 415.501-415.514.

31

1 3. Notice to the alleged perpetrator of a confirmed
2 report shall state that:

3 a. The report has been classified as confirmed;

4 b. The alleged perpetrator of a confirmed report may
5 be disqualified from working with children or the
6 developmentally disabled or from working in sensitive
7 positions involving the care of children, the developmentally
8 disabled, disabled adults, or aged persons;

9 c. The alleged perpetrator may request amendment or
10 expunction of the confirmed report, if the alleged perpetrator
11 does not agree with the classification;

12 d. The request by the alleged perpetrator for
13 amendment or expunction of the confirmed report must be
14 received by the department within 30 days after the alleged
15 perpetrator receives notice of the classification of the
16 report;

17 e. The alleged perpetrator can obtain more information
18 by calling the person whose name and telephone number are
19 provided in the notice; and

20 f. The failure to timely ask for amendment or
21 expunction means the alleged perpetrator agrees not to contest
22 the classification of the report.

23
24 Notice to the alleged perpetrator shall be sent by certified
25 mail.

26 4. Failure to respond within the time specified in
27 subparagraph 3. means that the alleged perpetrator agrees not
28 to contest the classification of the report. The alleged
29 perpetrator may within 1 year of the classification of the
30 report as confirmed request the department to set aside a
31 confirmed report where it can be shown that the failure to ask

1 for amendment or expunction was due to excusable neglect or
2 fraud. The standard for excusable neglect or fraud shall be
3 as provided in the Rules of Civil Procedure.

4 5. If the alleged perpetrator asks for amendment or
5 expunction, the secretary may amend or expunge the record. If
6 the secretary refuses or does not act within 30 days after
7 receiving such a request, the alleged perpetrator shall have
8 the right to an administrative hearing to contest whether the
9 record of the report should be amended or expunged. At the
10 chapter 120 hearing the department shall prove by a
11 preponderance of evidence that the perpetrator committed the
12 abuse or neglect. If the secretary refuses to amend or
13 expunge and the alleged perpetrator fails to timely ask for an
14 administrative hearing, the failure to timely ask shall mean
15 that the alleged perpetrator agrees not to contest the
16 secretary's decision and the findings of the confirmed report
17 of abuse or neglect. If the secretary refuses to amend or
18 expunge and the alleged perpetrator asks for an administrative
19 hearing and the department's classification is upheld, the
20 report shall remain as confirmed. Any person who is named in
21 an indicated report shall not have the right to challenge the
22 department's classification system through the department or
23 through an administrative hearing under chapter 120.

24 6. The confidentiality of the abuse or neglect report
25 shall, to the extent possible, be maintained during the
26 administrative hearing process. The administrative hearing
27 shall be closed, the administrative files shall be closed and
28 not disclosed to the public under s. 119.07(1), and any
29 identifying information in the recommended or final order
30 shall be deleted prior to publishing pursuant to chapter 120.

1 (e) Nothing in this section is intended to require the
2 expunction or destruction of case records or information
3 required by the Federal Government to be retained for future
4 audit.

5 Section 14. Paragraphs (b) and (f) of subsection (1)
6 of section 415.505, Florida Statutes, are amended to read:

7 415.505 Child protective investigations; institutional
8 child abuse or neglect investigations.--

9 (1)

10 (b) For each report it receives, the department shall
11 perform an onsite child protective investigation to:

12 1. Determine the composition of the family or
13 household, including the name, address, date of birth age,
14 social security number, sex, and race of each child named in
15 the report; any siblings or other children in the same
16 household or in the care of the same adults; the parents or
17 other persons responsible for the child's welfare; and any
18 other adults in the same household.

19 2. Determine whether there is indication that any
20 child in the family or household is abused or neglected,
21 including a determination of harm or threatened harm to each
22 child; the nature and extent of present or prior injuries,
23 abuse, or neglect, and any evidence thereof; and a
24 determination as to the person or persons apparently
25 responsible for the abuse or neglect, including the name,
26 address, date of birth, social security number, sex, and race
27 of each person to be classified as a perpetrator in a
28 confirmed report. A perpetrator in a confirmed report of
29 abuse or neglect shall cooperate in providing required data
30 for the identification and tracking system, to the fullest
31 extent possible.

3. Determine the immediate and long-term risk to each child utilizing standardized risk assessment instruments if the child remains in the existing home environment.

4. Determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the child's well-being and development and cause the delivery of those services through the early intervention by the departmental worker responsible for providing and managing identified services in order, if possible, to preserve and stabilize family life, if possible.

(f) No later than 30 days after receiving the initial report, the local office of the department shall complete its investigation, determine whether the reported abuse was confirmed, indicated, or unfounded, and report its findings to the department's central abuse registry and tracking system.

Section 15. Subsection (1) of section 415.5055, Florida Statutes, is amended to read:

415.5055 Child protection teams; services; eligible cases.--The department shall develop, maintain, and coordinate the services of one or more multidisciplinary child protection teams in each of the service districts of the department. Such teams may be composed of representatives of appropriate health, mental health, social service, legal service, and law enforcement agencies.

(1) The department shall utilize and convene the teams to supplement the protective investigation single-intake and protective supervision services activities of the children, youth, and families program of the department. Nothing in this section shall be construed to remove or reduce the duty and responsibility of any person to report pursuant to s. 415.504 all suspected or actual cases of child abuse or

1 neglect or sexual abuse of a child. The role of the teams
2 shall be to support activities of the program and to provide
3 services deemed by the teams to be necessary and appropriate
4 to abused and neglected children upon referral. The
5 specialized diagnostic assessment, evaluation, coordination,
6 consultation, and other supportive services that a child
7 protection team shall be capable of providing include, but are
8 not limited to, the following:

9 (a) Medical diagnosis and evaluation services,
10 including provision or interpretation of X rays and laboratory
11 tests, and related services, as needed, and documentation of
12 findings relative thereto.

13 (b) Telephone consultation services in emergencies and
14 in other situations.

15 (c) Medical evaluation related to abuse or neglect, as
16 defined by department policy or rule.

17 (d) Such psychological and psychiatric diagnosis and
18 evaluation services for the child or his parent or parents,
19 guardian or guardians, or other care givers, or any other
20 individual involved in a child abuse or neglect case, as the
21 team may determine to be needed.

22 (e) Short-term psychological treatment. It is the
23 intent of the Legislature that short-term psychological
24 treatment be limited to no more than 6 months' duration after
25 treatment is initiated, except that the appropriate district
26 administrator may authorize such treatment for individual
27 children beyond this limitation if the administrator deems it
28 appropriate.

29 (f) Expert medical, psychological, and related
30 professional testimony in court cases.

31

1 (g) Case staffings to develop, implement, and monitor
2 treatment plans for children whose cases have been referred to
3 the team. A child protection team may provide consultation
4 with respect to a child who has not been referred to the team,
5 but who is alleged or is shown to be abused, which
6 consultation shall be provided at the request of a
7 representative of the children, youth, and families program or
8 at the request of any other professional involved with a child
9 or his parent or parents, guardian or guardians, or other care
10 givers. In every such child protection team case staffing,
11 consultation, or staff activity involving a child, a children,
12 youth, and families program representative shall attend and
13 participate.

14 (h) Case service coordination and assistance,
15 including the location of services available from other public
16 and private agencies in the community.

17 (i) Such training services for program and other
18 department employees as is deemed appropriate to enable them
19 to develop and maintain their professional skills and
20 abilities in handling child abuse and neglect cases.

21 (j) Educational and community awareness campaigns on
22 child abuse and neglect in an effort to enable citizens more
23 successfully to prevent, identify, and treat child abuse and
24 neglect in the community.

25 Section 16. Subsection (2) of section 415.509, Florida
26 Statutes, is amended to read:

27 415.509 Responsibilities of public agencies with
28 respect to prevention, identification, and treatment of child
29 abuse and child neglect; educational and training programs.--

30 (2) The department shall, within available
31 appropriations, conduct a continuing publicity and education

1 program for district staff and officials required to report
2 and any other appropriate persons to encourage the fullest
3 degree of reporting of suspected child abuse or neglect. The
4 program shall include, but not be limited to, information
5 concerning the responsibilities, obligations, and powers
6 provided under ss. 415.502-415.514; the methods for diagnosis
7 of child abuse or neglect; and the procedures of the child
8 protective service program, the circuit court, and other duly
9 authorized agencies. In developing training programs for
10 district staff, the department shall place emphasis on
11 preservice and inservice training for protective investigation
12 single-intake, protective supervision services, and foster
13 care staff which would include skills in diagnosis and
14 treatment of child abuse and neglect and procedures of the
15 child protective system and judicial process.

16 Section 17. Subsections (1), (4), (5), (6), and (7) of
17 section 415.51, Florida Statutes, are amended to read:

18 415.51 Confidentiality of reports and records in cases
19 of child abuse or neglect.--

20 (1) In order to protect the rights of the child and
21 his parents or other persons responsible for the child's
22 welfare, all records concerning reports of child abuse or
23 neglect, including reports made to the central abuse registry
24 and tracking system ~~and-to-local-offices-of-the-department~~ and
25 all records generated as a result of such reports, shall be
26 confidential and exempt from the provisions of s. 119.07(1)
27 and shall not be disclosed except as specifically authorized
28 by ss. 415.502-415.514. Such exemption from s. 119.07(1)
29 applies to information in the possession of those entities
30 granted access as set forth in this section.

1 (4) The department shall search its central abuse
2 registry and tracking system records pursuant to the
3 requirements of ss. 110.1127, 393.0655, 394.457, 396.0425,
4 397.0715, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and
5 959.06 for the existence of a confirmed report made on the
6 personnel as defined in the foregoing provisions. The search
7 shall also include indicated reports prior to July 1, 1987.
8 Reports prior to 1978 shall not be included. If the search
9 reveals an indicated report prior to July 1, 1987, the
10 department shall review the report to determine whether the
11 indicated report shall remain classified as indicated or shall
12 be classified as confirmed according to the definitions in s.
13 415.503. If the report remains classified as indicated, the
14 individual may not be disqualified. If the report is
15 classified as confirmed, the department shall notify the
16 individual according to the provisions of s. 415.504(4)(d).
17 The department shall report the existence of any confirmed
18 report of abuse and advise the authorized licensing agency,
19 applicant for license, or other authorized agency or person of
20 the results of the search, the date of the report, whether 30
21 days have elapsed for requests for expunction or amendment,
22 failure of the alleged perpetrator to respond pursuant to s.
23 415.504(4)(d), results of any hearing conducted by the
24 secretary and any subsequent administrative hearing, and in
25 the case of judicial determination of abuse, the procedure for
26 inspection of court records as set forth in s. 39.411(3). The
27 department shall not release any information on unfounded or
28 indicated reports. Prior to a search being conducted, the
29 department or its designee shall notify such person that an
30 inquiry will be made. The department shall notify each person
31

1 for whom a search is conducted of the results of the search
2 upon request.

3 (5) The department shall, with the written consent of
4 a person applying to a licensed child-placing agency for the
5 adoption of a child, search its central abuse registry and
6 tracking system for the existence of a confirmed report and
7 advise the licensed child-placing agency of any such report
8 found and the results of the investigation conducted pursuant
9 thereto, including whether 30 days have elapsed for requests
10 for expunction or amendment, failure of the alleged
11 perpetrator to respond pursuant to s. 415.504(4)(d), and
12 results of any hearing conducted by the secretary and any
13 subsequent administrative hearing held on the report.

14 (6) Except as provided in subsection (4), the
15 department shall, with the written consent of a person
16 applying to work with children as a volunteer or as a paid
17 employee for a public or private nonprofit agency, or for an
18 individual family, search its central abuse registry and
19 tracking system for the existence of a confirmed report and
20 shall advise such agency or family of any such report found
21 and the results of the investigation conducted pursuant
22 thereto, including whether 30 days have elapsed for requests
23 for expunction or amendment, failure of the alleged
24 perpetrator to respond pursuant to s. 415.504(4)(d), and
25 results of any hearing conducted by the secretary and any
26 subsequent administrative hearing held on the report.

27 (7) The name of any person reporting child abuse or
28 neglect shall not be released to any person other than
29 employees of the department responsible for child protective
30 services, the central abuse registry and tracking system, or
31 the appropriate state attorney without the written consent of

1 the person reporting. This does not prohibit the subpoenaing
 2 of a person reporting child abuse or neglect when deemed
 3 necessary by the state attorney or the department to protect a
 4 child who is the subject of a report, provided the fact that
 5 such person made the report is not disclosed. Any person who
 6 reports a case of child abuse or neglect may, at the time he
 7 makes the report, request that the department notify him that
 8 a child protective investigation occurred as a result of the
 9 report. The department shall mail such a notice to the
 10 reporter within 10 days after of the completion of the child
 11 protective investigation.

12 Section 18. Section 415.511, Florida Statutes, is
 13 amended to read:

14 415.511 Immunity from liability in cases of child
 15 abuse or neglect.--

16 (1) Any person, official, or institution participating
 17 in good faith in any act authorized or required by ss.
 18 415.502-415.514 shall be immune from any civil or criminal
 19 liability which might otherwise result by reason of such
 20 action. This section does not grant immunity, civil or
 21 criminal, to any person suspected of having abused, neglected,
 22 or committed any illegal act upon, or against, a child.
 23 Further, no resident or employee of a facility serving
 24 children may be subjected to reprisal or discharge because of
 25 his actions in reporting abuse or neglect pursuant to the
 26 requirements of this section.

27 (2) Any person making a report under this section has
 28 a civil cause of action for appropriate compensatory and
 29 punitive damages against any person who causes detrimental
 30 changes in the employment status of such reporting party by
 31 reason of his making such report. Any detrimental change made

1 in the residency or employment status of such person,
 2 including, but not limited to, discharge, termination,
 3 demotion, transfer, reduction in pay, benefits, or work
 4 privileges, or negative evaluations, within a prescribed
 5 period of time, establishes a rebuttable presumption that such
 6 action was retaliatory.

7 Section 19. Section 415.513, Florida Statutes, is
 8 amended to read:

9 415.513 Penalties for failing to report or preventing
 10 another person from reporting, or disclosing confidential
 11 information relating to, a case of child abuse or neglect;
 12 penalties for making a false report.--

13 (1) Any person required by s. 415.504 to report known
 14 or suspected child abuse or neglect who knowingly and
 15 willfully fails to do so, or who knowingly and willfully
 16 prevents another person from doing so, is guilty of a
 17 misdemeanor of the second degree, punishable as provided in s.
 18 775.082, s. 775.083, or s. 775.084.

19 (2) Any person who knowingly and willfully makes
 20 public or discloses any confidential information contained in
 21 the central abuse registry and tracking system or in the
 22 records of any child abuse or neglect case, except as provided
 23 in ss. 415.502-415.514, is guilty of a misdemeanor of the
 24 second degree, punishable as provided in s. 775.082, s.
 25 775.083, or s. 775.084.

26 (3) Any person who knowingly and willfully makes a
 27 false report of child abuse or neglect or any person who
 28 advises another to make a false report, is guilty of a
 29 misdemeanor of the second degree, punishable as provided in s.
 30 775.082, s. 775.083, or s. 775.084. Anyone who makes such a
 31

1 report who is acting in good faith is immune from any
 2 liability under this subsection.

3 Section 20. This act shall take effect October 1,
 4 1988.

5
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 7 *****

8 SENATE SUMMARY

9 Redefines the responsibilities of the Children, Youth,
 10 and Families Program Office of the Department of Health
 11 and Rehabilitative Services to include intake services
 12 for families and children in need of services, protective
 13 investigation services for abandoned, abused, and
 14 neglected children, and services provided under the
 15 Interstate Compact on the Placement of Children and the
 16 Interstate Compact on Juveniles. Specifies the intake
 17 functions of the department relating to the acceptance of
 18 reports alleging child abuse or neglect, delinquency, and
 19 other needs for department services. Centralizes the
 20 reporting of cases involving allegations of abandonment,
 21 abuse, or neglect of children and aged and disabled
 22 adults. Redesignates the central abuse registry of the
 23 department as the central abuse registry and tracking
 24 system. Includes in such registry reports of suspected
 25 abuse, neglect, or exploitation of aged or disabled
 26 adults as well as reports alleging child abuse or
 27 neglect. Provides penalties for making false reports to
 28 the registry. Prohibits reprisals against persons making
 29 reports of abuse or neglect.
 30
 31

, the Committee on Health and Rehabilitative Services and
Senators Grant, Kiser, Myers, Woodson, Scott and Weinstein

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1 A bill to be entitled
2 An act relating to abuse, neglect, abandonment,
3 and exploitation of aged persons, disabled
4 adults, and children; amending s. 20.19, F.S.;
5 conforming duties of program offices and
6 service districts of the Department of Health
7 and Rehabilitative Services to reflect changes
8 in protective investigations and current
9 responsibilities; amending s. 39.01, F.S.;
10 providing definitions; amending s. 39.401,
11 F.S.; conforming terminology and procedures to
12 definitions and current practice; providing
13 that priority consideration be given to
14 relative placements over nonrelative
15 placements; amending s. 39.402, F.S.;
16 conforming terminology; amending s. 39.403,
17 F.S.; providing for protective investigation by
18 the department; amending s. 39.404, F.S.;
19 conforming terminology; amending s. 110.1127,
20 F.S., to change a cross-reference; amending s.
21 415.103, F.S.; renaming the central abuse
22 registry and requiring any report of abuse,
23 neglect, or exploitation to be handled by the
24 central abuse registry and tracking system;
25 delineating functions of the central abuse
26 registry and tracking system; providing for
27 notification of district staff; providing for
28 indexing of certain information; providing
29 confidentiality of reports in administrative
30 hearing process; amending s. 415.104, F.S.;
31 providing standards and procedures for reports

1 and for protective services investigations;
2 amending s. 415.107, F.S.; conforming
3 terminology and procedures; amending s.
4 415.111, F.S.; providing penalties for making
5 false reports; amending s. 415.503, F.S.;
6 providing definitions; amending s. 415.504,
7 F.S.; conforming terminology; requiring child
8 abuse and neglect reports to go to the central
9 abuse registry and tracking system; delineating
10 functions of the central abuse registry and
11 tracking system; providing procedures and time
12 frames for notification of district staff;
13 providing for indexing of certain information;
14 providing confidentiality of reports in the
15 administrative hearing process; amending s.
16 415.505, F.S.; providing standards and
17 procedures for reports and for protective
18 services investigations; amending ss. 415.5055,
19 415.509, 415.51, F.S.; conforming terminology;
20 amending s. 415.511, F.S.; providing immunity
21 from liability and prohibiting reprisal against
22 person reporting; amending s. 415.513, F.S.;
23 providing penalties for making a false report;
24 amending s. 959.06, F.S., to change a cross-
25 reference; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Subparagraph 2. of paragraph (a) of
30 subsection (4) and subparagraph 3. of paragraph (c) of
31

1 subsection (5) of section 20.19, Florida Statutes, are amended
2 to read:

3 20.19 Department of Health and Rehabilitative
4 Services.--There is created a Department of Health and
5 Rehabilitative Services.

6 (4) ASSISTANT SECRETARIES.--The secretary shall
7 appoint an Assistant Secretary for Programs and an Assistant
8 Secretary for Administration, each of whom shall serve at the
9 pleasure of, and be directly responsible to, the secretary.
10 The secretary shall appoint a Deputy Assistant Secretary for
11 Programs, a Deputy Assistant Secretary for Regulation and
12 Health Facilities, a Deputy Assistant Secretary for Medicaid,
13 and a Deputy Assistant Secretary for Health, each of whom
14 shall serve at the pleasure of the secretary and shall be
15 directly responsible to the Assistant Secretary for Programs.

16 (a) The Assistant Secretary for Programs shall have
17 responsibility for general statewide supervision of the
18 administration of service programs operated by the department
19 and such other program development and planning duties as are
20 assigned to him by the secretary. "General statewide
21 supervision of the administration of service programs" means
22 service program development and planning; program research;
23 identifying client needs and recommending solutions and
24 priorities; developing client service programs, including the
25 policies and standards therefor; providing technical
26 assistance to the district administrators; assisting the
27 district administrators in staff development and training;
28 reviewing and monitoring district-level program operations;
29 assuring compliance with statewide program standards and
30 performance criteria; monitoring uniform program quality among
31 districts; developing funding sources external to state

1 government; and obtaining, approving, monitoring, and
2 coordinating research and program development grants; but does
3 not involve line authority over any health or human services
4 program operation of the department, including the management
5 of institutions and residential treatment programs.

6 2. The following program offices are established and
7 may be consolidated, restructured, or rearranged by the
8 secretary; provided any such consolidation, restructuring, or
9 rearranging shall be for the purpose of encouraging service
10 integration through more effective and efficient performance
11 of the program offices or parts thereof:

12 a. Children's Medical Services Program Office.--The
13 responsibilities of this office encompass all children's
14 medical services programs operated by the department.

15 b. Economic Services Program Office.--The
16 responsibilities of this office encompass all income support
17 programs within the department, such as aid to families with
18 dependent children (AFDC), food stamps, and state
19 supplementation of the supplemental security income (SSI)
20 program.

21 c. Developmental Services Program Office.--The
22 responsibilities of this office encompass programs operated by
23 the department for developmentally disabled persons.
24 Developmental disabilities include any disability defined in
25 s. 393.063.

26 d. Aging and Adult Services Program Office.--The
27 responsibilities of this office encompass all aging and adult
28 programs operated by the department.

29 e. Children, Youth, and Families Program Office.--The
30 responsibilities of this program office encompass intake
31 services for dependent-and delinquent children, families in

1 need of services and children in need of services programs and
2 protective investigation services for abandoned, abused, and
3 neglected children; interstate compact on the placement of
4 children programs; children's protective services, adoption;
5 child care; foster care programs; specialized services to
6 families; all programs operated by the department relating to
7 delinquent children; and related mental health services for
8 children and youth in coordination with the Alcohol, Drug
9 Abuse, and Mental Health Program Office.

10 f. Alcohol, Drug Abuse, and Mental Health Program
11 Office.--The responsibilities of this office encompass all
12 alcohol, drug abuse, and mental health programs operated by
13 the department except those programs for children and youth
14 which shall be handled in coordination with the Children,
15 Youth, and Families Program Office. In addition, the
16 responsibility for adult forensic programs shall be located
17 within this office.

18 (5) SERVICE DISTRICTS.--

19 (c) The duties of the district administrator shall
20 include, but are not limited to:

21 3. Applying standard information, referral, intake,
22 diagnostic and evaluation, and case management procedures
23 established by the secretary. Such procedures shall include
24 an a-single intake system for delinquency, families in need of
25 services and children in need of services programs, and a
26 protective investigation system for dependency programs
27 serving abandoned, abused, and neglected children and
28 dependency-juvenile-programs.

29 Section 2. Subsections (6), (26), and (27) of section
30 39.01, Florida Statutes, are amended, and subsections (55) and
31 (56) are added to said section, to read:

1 39.01 Definitions.--When used in this chapter:

2 (6) "Housekeeper/homemaker" ~~"Caretaker/homemaker"~~
3 means an authorized agent of the department who shall remain
4 in the child's home with the child until a parent, legal
5 guardian, or relative of the child enters the home and is
6 capable of assuming and agrees to assume charge of the child.

7 (26) "Intake" means the acceptance of a law
8 enforcement report or complaint of delinquency, family in need
9 of services, or child in need of services and the screening
10 thereof to determine whether action by the court is warranted,
11 the disposition of the report or complaint without court or
12 public agency action when appropriate, the referral of the
13 child to another public or private agency when appropriate,
14 and the recommendation by the intake officer of court action
15 when appropriate.

16 (27) "Intake officer" means the authorized agent of
17 the department performing the intake function for a child
18 alleged to be delinquent ~~or~~-dependent; in need of services,
19 or from a family in need of services.

20 (55) "Protective investigation" means the acceptance
21 of a report alleging child abuse or neglect, as defined in s.
22 415.503, by the central abuse registry and tracking system or
23 the acceptance of a report of other dependency by the local
24 children, youth, and families office of the department; the
25 investigation and classification of each report; the
26 determination of whether action by the court is warranted; the
27 determination of the disposition of each report without court
28 or public agency action when appropriate; the referral of a
29 child to another public or private agency when appropriate;
30 and the recommendation by the protective investigator of court
31 action when appropriate.

(56) "Protective investigator" means an authorized agent of the department who receives, investigates, and classifies reports of child abuse or neglect as defined in s. 415.503; who, as a result of the investigation, may file a dependency petition for the child under the criteria of paragraph (10)(a), and who performs other duties necessary to carry out the required actions of the protective investigation function.

Section 3. Subsections (2) and (3) of section 39.401, Florida Statutes, are amended to read:

39.401 Taking a child alleged to be dependent into custody.--

(2) If the person taking the child into custody is not a protective investigator ~~an intake-officer~~, he shall:

(a) Release the child to a parent, guardian, legal custodian, responsible adult approved by the court when limited to temporary emergency situations, responsible adult relative who shall be given priority consideration over a nonrelative placement, or responsible adult approved by the department; within 3 days following such release, the person taking the child into custody shall make a full written report to the protective investigation ~~intake~~ office of the department for cases involving allegations of abandonment, abuse, or neglect or to the appropriate service unit of the local children, youth, and families office within the department for other dependency cases ~~within 3 days~~; or

(b) Deliver the child to a protective investigator ~~an intake-officer~~ of the department, stating the facts by reason of which the child was taken into custody and sufficient information to establish probable cause that the child is abandoned, abused, or neglected dependent, and make a full

1 written report to the protective investigation intake office
2 of the department within 3 days. For any other dependent
3 child, deliver the child to the appropriate service unit of
4 the local children, youth, and families office within the
5 department and provide the required report to that unit
6 office.

7 (3) If the child is taken into custody by, or is
8 delivered to, a protective investigator ~~an intake-officer~~, the
9 protective investigator intake-officer shall review the facts
10 and make such further inquiry as necessary to determine
11 whether the child should remain in custody or be released.
12 Unless shelter is required as provided in s. 39.402(1), the
13 protective investigator intake-officer shall:

14 (a) Release the child to his parent, guardian, legal
15 custodian, a responsible adult relative who shall be given
16 priority consideration over a nonrelative placement, or a
17 responsible adult approved by the department; or

18 (b) Authorize placement of a housekeeper/homemaker
19 caretaker/homemaker in the home of a child alleged to be
20 dependent until the parent or legal custodian assumes care of
21 the child.

22 Section 4. Subsections (3) and (4) and paragraph (b)
23 of subsection (8) of section 39.402, Florida Statutes, are
24 amended to read:

25 39.402 Placement in a shelter.--

26 (3) If the protective investigator intake-officer
27 determines that placement in a shelter is necessary according
28 to the provisions of subsections (1) and (2), the protective
29 investigator intake-officer shall authorize placement of the
30 child in a shelter and shall immediately notify the parents or
31 legal custodians that the child was taken into custody.

(4) If the child is alleged to be both dependent and delinquent, the protective investigator ~~intake-officer~~ may authorize either placement in a shelter pursuant to this section or detention pursuant to s. 39.032.

(8)

(b) In the interval until the detention hearing is held pursuant to paragraph (a), the decision as to placement in a shelter or release of the child from a shelter shall lie with the protective investigator ~~intake-officer~~ in accordance with subsection (3).

Section 5. Section 39.403, Florida Statutes, is amended to read:

39.403 Protective investigation intake.--

(1) Protective investigation intake shall be performed by the department. A report or complaint alleging that a child is dependent as a result of child abuse or neglect as defined in s. 415.503 shall be made to the central abuse registry and tracking system. Complaints alleging that a child is dependent on any basis other than as a result of child abuse or neglect as defined in s. 415.503 shall be made to the local children, youth, and families office of the department ~~shall-be-made-to-the-intake-office~~ operating in the county in which the child is found or in which the case arose. Any person or agency having knowledge of the facts may make a report or complaint. The complainant shall furnish the protective investigation office or the appropriate service unit of the local children, youth, and families office of the department, whichever is appropriate, ~~intake-office~~ facts sufficient to establish the jurisdiction of the court and to support a finding by the court that the child is dependent.

1 (2) The protective investigator ~~intake-officer~~ shall
2 make a preliminary determination as to whether the report or
3 complaint is complete, consulting with the state attorney or
4 assistant state attorney when necessary. In any case in which
5 the protective investigator ~~intake-officer~~ or the state
6 attorney finds that the report or complaint is incomplete, the
7 protective investigator ~~intake-officer~~ or state attorney shall
8 return the report or complaint without delay to the person or
9 agency originating the report or complaint or having knowledge
10 of the facts or to the appropriate law enforcement agency
11 having investigative jurisdiction and request additional
12 information in order to complete the report or complaint;
13 however, the confidentiality of any report filed in accordance
14 with ss. 415.502-415.514 shall not be violated.

15 (a) If the protective investigator ~~intake-officer~~
16 determines that the report or complaint is complete, he may,
17 after determining that such action would be in the best
18 interests of the child, file a petition for dependency.

19 (b) If the protective investigator ~~intake-officer~~
20 determines that the report or complaint is complete, but that
21 in his judgment the interest of the child and the public will
22 be best served by providing the child care or other treatment
23 voluntarily accepted by the child and his parents or legal
24 custodians, the protective investigator ~~intake-officer~~ may
25 refer the child for such care or other treatment.

26 (c) If the protective investigator ~~intake-officer~~
27 refuses to file a petition for dependency, the complainant
28 shall be advised of his right to file a petition pursuant to
29 this part.

30 Section 6. Subsections (3) and (6) of section 39.404,
31 Florida Statutes, are amended to read:

39.404 Petition for dependency.--

(3) When the child has been taken into custody, a petition alleging dependency shall be filed within 7 days of the date the child is taken into custody. In all other cases, the petition shall be filed within a reasonable time after the date the child was referred to protective investigation ~~intake~~ pursuant to s. 39.403.

(6) When a petition for dependency has been filed and the parents or custodians of the child have advised the protective investigation ~~intake~~ office that the truth of the allegations is acknowledged and that no contest is to be made of the adjudication, the protective investigator ~~intake officer~~ may set the case before the court for an adjudicatory hearing. Neither the state attorney nor an assistant state attorney shall be required to be present at the adjudicatory hearing. Should there be a change in the plea at this hearing, the court shall continue the hearing to permit the state attorney to prepare and present the case for the state.

Section 7. Paragraph (a) of subsection (3) of section 110.1127, Florida Statutes, is amended to read:

110.1127 Employee security checks.--

(3)(a) Within the Department of Health and Rehabilitative Services, all positions in programs providing care to children or the developmentally disabled for 15 hours or more per week are deemed to be positions of special trust or responsibility, and a person shall be disqualified for employment in any such position by reason of:

1. Having been found guilty of, regardless of adjudication, or having entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following

- 1 provisions of the Florida Statutes or under any similar
2 statute of another jurisdiction:
- 3 a. Section 782.04, relating to murder.
 - 4 b. Section 782.07, relating to manslaughter.
 - 5 c. Section 782.071, relating to vehicular homicide.
 - 6 d. Section 782.09, relating to killing of an unborn
7 child by injury to the mother.
 - 8 e. Section 784.011, relating to assault, if the victim
9 of the offense was a minor.
 - 10 f. Section 784.021, relating to aggravated assault.
 - 11 g. Section 784.03, relating to battery, if the victim
12 of the offense was a minor.
 - 13 h. Section 784.045, relating to aggravated battery.
 - 14 i. Section 787.01, relating to kidnapping.
 - 15 j. Section 787.02, relating to false imprisonment.
 - 16 k. Section 787.04, relating to removing children from
17 the state or concealing children contrary to court order.
 - 18 l. Section 794.011, relating to sexual battery.
 - 19 m. Section 794.041, relating to prohibited acts of
20 persons in familial or custodial authority.
 - 21 n. Chapter 796, relating to prostitution.
 - 22 o. Section 798.02, relating to lewd and lascivious
23 behavior.
 - 24 p. Chapter 800, relating to lewdness and indecent
25 exposure.
 - 26 q. Section 806.01, relating to arson.
 - 27 r. Section 812.13, relating to robbery.
 - 28 s. Section 826.04, relating to incest.
 - 29 t. Section 827.03, relating to aggravated child abuse.
 - 30 u. Section 827.04, relating to child abuse.
 - 31

1 v. Section 827.05, relating to negligent treatment of
2 children.

3 w. Section 827.071, relating to sexual performance by
4 a child.

5 x. Section 827.09, relating to abuse, neglect, or
6 exploitation of aged or disabled persons.

7 y. Chapter 847, relating to obscene literature.

8 z. Chapter 893, relating to drug abuse prevention and
9 control, only if the offense was a felony or if any other
10 person involved in the offense was a minor.

11 aa. Section 817.563, relating to fraudulent sale of
12 controlled substances, only if the offense was a felony; or

13 2. Having had a finding of delinquency or having
14 entered a plea of nolo contendere or a plea amounting to an
15 admission of guilt to a petition alleging delinquency pursuant
16 to part II, chapter 39, or similar statutes of other
17 jurisdictions, for any of the foregoing acts, regardless of
18 adjudication or disposition. For the purposes of this
19 subsection, such a finding or plea has the same effect as a
20 finding of guilt; or

21 3. Having been judicially determined to have committed
22 abuse or neglect against a child as defined in s. 39.01(2)-and
23 ~~(30)~~; or

24 4. Having a confirmed report of abuse, neglect, or
25 exploitation as defined in s. 415.102(5) or abuse or neglect
26 as defined in s. 415.503(5) which has been uncontested or
27 upheld pursuant to the procedures provided in s. 415.103 or s.
28 415.504; or

29 5. Having committed an act which constitutes domestic
30 violence as defined in s. 741.30.

31

1 Section 8. Paragraph (a) of subsection (1), subsection
2 (3), and paragraph (a) of subsection (4) of section 415.103,
3 Florida Statutes, are amended to read:

4 415.103 Mandatory reporting of abuse, neglect, or
5 exploitation of aged persons or disabled adults; mandatory
6 reports of death; central abuse registry and tracking system;
7 immunity from liability.--

8 (1) MANDATORY REPORTING.--

9 (a) Any person, including, but not limited to, any:

10 1. Physician, osteopath, medical examiner,
11 chiropractor, nurse, or hospital personnel engaged in the
12 admission, examination, care, or treatment of aged persons or
13 disabled adults;

14 2. Health or mental health professional other than one
15 listed in subparagraph 1.;

16 3. Practitioner who relies solely on spiritual means
17 for healing;

18 4. Nursing home staff, adult congregate living
19 facility staff, adult day care center staff, social worker, or
20 other professional adult care, foster care, residential, or
21 institutional staff;

22 5. State, county, or municipal criminal justice
23 employee or law enforcement officer; or

24 6. Human rights advocacy committee or long-term care
25 ombudsman council member,

26
27 who knows, or has reasonable cause to suspect, that an aged
28 person or disabled adult is an abused, neglected, or exploited
29 person shall immediately report such knowledge or suspicion to
30 the central abuse registry and tracking system of the
31 department on the single statewide toll-free telephone number

1 ~~or directly to the local office of the department responsible~~
2 ~~for investigation of reports made pursuant to this section.~~

3 (3) CENTRAL ABUSE REGISTRY AND TRACKING SYSTEM.--

4 (a) The department shall establish and maintain a
5 central abuse registry and tracking system which shall receive
6 all reports made pursuant to this section in writing or
7 through a single statewide toll-free telephone number which
8 any person may use to report known or suspected abuse,
9 neglect, or exploitation of an aged person or disabled adult
10 at any hour of the day or night, any day of the week. The
11 central abuse registry and tracking system shall be operated
12 in such a manner as to enable the department to:

13 1. Immediately identify and locate prior reports or
14 cases of adult abuse, neglect, or exploitation through the
15 department's automated tracking system.

16 2. Monitor and evaluate the effectiveness of the
17 department's program for reporting, and investigating, and
18 classifying suspected abuse, neglect, or exploitation of aged
19 persons or disabled adults, and the provision of protective
20 services to such persons through the development and analysis
21 of statistical and other information, and to report thereon.

22 3. Track critical steps in the investigative process
23 to ensure compliance with all requirements for all reports.

24 4.3+ Maintain and produce aggregate statistical
25 reports for monitoring patterns of abuse, neglect, or
26 exploitation of aged persons or disabled adults.

27 5.4+ Serve as a resource for the evaluation,
28 management, and planning of preventive and remedial services
29 for aged persons or disabled adults who have been subject to
30 abuse, neglect, or exploitation.

31

1 (b) Upon receiving an oral or written report of known
2 or suspected abuse, neglect, or exploitation of an aged person
3 or disabled adult, the central abuse registry and tracking
4 system shall determine if the report requires an immediate on-
5 site protective investigation. For reports requiring an
6 immediate on-site protective investigation, the central abuse
7 registry and tracking system shall notify the department's
8 designated aging and adult services district staff responsible
9 for protective investigations immediately to ensure prompt
10 initiation of an on-site investigation. For reports not
11 requiring an immediate on-site protective investigation, the
12 central abuse registry and tracking system shall notify the
13 department's designated aging and adult services district
14 staff responsible for protective investigations in sufficient
15 time to allow for an investigation to be commenced within 24
16 hours. At the time of notification of district staff with
17 respect to the report, the central abuse registry and tracking
18 system shall also provide information on any previous report
19 concerning a subject of the present report or any pertinent
20 information relative to the present report or any noted
21 earlier reports immediately notify the designated aging and
22 adult services district staff of the department with respect
23 to the report, any previous report concerning a subject of the
24 present report, or any other pertinent information relative
25 thereto.

26 (c) Upon completion of its investigation, the
27 designated aging and adult services district staff of the
28 department shall classify reports either as "confirmed,"
29 "indicated," or "unfounded." At this time, the department
30 shall notify the victim named in the report, the guardian or
31 guardians or the caregiver of the aged person or disabled

1 adult named as the victim, and the alleged perpetrator, if
2 other than the guardian or guardians or the caregiver, of the
3 completion of the investigation of the report, the
4 classification of the report, and the right to ask for
5 amendment or expunction pursuant to paragraph (d). All
6 identifying information in the central abuse registry and
7 tracking system or other computer systems or records that is
8 related to an unfounded report shall be expunged 1 year after
9 the case is classified as "unfounded." All identifying
10 information in the central abuse registry and tracking system
11 related to an indicated report shall be expunged from the
12 central abuse registry and tracking system 7 years from the
13 date of the last indicated report concerning any person named
14 in the report. All information, other than identifying
15 information, related to an indicated or unfounded report at
16 the time of expunction shall be disposed of in a manner deemed
17 appropriate by the department and pursuant to ss. 119.041 and
18 257.36(7). Unfounded ~~and-indicated~~ reports shall only be
19 indexed by the name of the aged person or disabled adult to
20 detect patterns of abuse, neglect, or exploitation. Persons
21 named in unfounded or indicated reports shall not be
22 identified as alleged perpetrators. All information in the
23 central abuse registry and tracking system or other computer
24 systems or records shall be subject to the confidentiality
25 provisions in s. 415.107.

26 (d)1. Where it is shown that the record is inaccurate
27 or inconsistent with ss. 415.101-415.113, the department shall
28 amend or expunge the record. The department shall notify the
29 victim and the alleged perpetrator of what amendment is made
30 to the record or of the expunction of the record.
31

1 2. Subsequent to the completion of the department's
2 investigation, the victim or alleged perpetrator of a
3 confirmed report may request the secretary to amend or expunge
4 the case record and all identifying information in the abuse
5 registry or other computer systems or records pertaining to
6 that report on the grounds that the record is inaccurate or is
7 being maintained in a manner inconsistent with ss. 415.101-
8 415.113.

9 3. Notice to the alleged perpetrator of a confirmed
10 report shall state that:

11 a. The report has been classified as confirmed;

12 b. The alleged perpetrator of a confirmed report may
13 be disqualified from working with children or the
14 developmentally disabled or from working in sensitive
15 positions involving the care of children, the developmentally
16 disabled, disabled adults, or aged persons;

17 c. The alleged perpetrator may request amendment or
18 expunction of the confirmed report, if the alleged perpetrator
19 does not agree with the classification;

20 d. The request by the alleged perpetrator for
21 amendment or expunction of the confirmed report must be
22 received by the department within 30 days after the alleged
23 perpetrator receives notice of the classification of the
24 report;

25 e. The alleged perpetrator can obtain more information
26 by calling the person whose name and telephone number are
27 provided in the notice; and

28 f. The failure to timely ask for amendment or
29 expunction means the alleged perpetrator agrees not to contest
30 the classification of the report.

31

1
2 Notice to the alleged perpetrator shall be sent by certified
3 mail.

4 4. Failure to respond within the time specified in
5 subparagraph 3. means that the alleged perpetrator agrees not
6 to contest the classification of the report. The alleged
7 perpetrator may, within 1 year of the classification of the
8 report as confirmed, request the department to set aside a
9 confirmed report where it can be shown that the failure to ask
10 for amendment or expunction was due to excusable neglect or
11 fraud. The standard for excusable neglect or fraud shall be
12 as provided in the Rules of Civil Procedure.

13 5. If the alleged perpetrator asks for amendment or
14 expunction, the secretary may amend or expunge the record. If
15 the secretary refuses or does not act within 30 days after
16 receiving such a request, the alleged perpetrator shall have
17 the right to an administrative hearing to contest whether the
18 record of the report should be amended or expunged. At the
19 chapter 120 hearing the department shall prove by a
20 preponderance of evidence that the perpetrator committed the
21 abuse or neglect. If the secretary refuses to amend or
22 expunge and the alleged perpetrator fails to timely ask for an
23 administrative hearing, the failure to timely ask shall mean
24 that the alleged perpetrator agrees not to contest the
25 secretary's decision and the findings of the confirmed report
26 of abuse or neglect. If the secretary refuses to amend or
27 expunge and the alleged perpetrator asks for an administrative
28 hearing and the department's classification is upheld, the
29 report shall remain as confirmed. Any person who is named in
30 an indicated report shall not have the right to challenge the
31

1 department's classification system through the department or
2 through an administrative hearing under chapter 120.

3 6. The confidentiality of the abuse or neglect report
4 shall, to the extent possible, be maintained during the
5 administrative hearing process. The administrative hearing
6 shall be closed, the administrative files shall be closed and
7 not disclosed to the public under s. 119.07(1), and any
8 identifying information in the recommended or final order
9 shall be deleted prior to publishing pursuant to chapter 120.

10 (4) POSTING STATEWIDE TOLL-FREE TELEPHONE NUMBER FOR
11 THE CENTRAL ABUSE REGISTRY AND TRACKING SYSTEM.--

12 (a) The statewide toll-free telephone number for the
13 central abuse registry and tracking system shall be posted in
14 all facilities operated by or under contract with or licensed
15 by the department which provide services to aged persons or
16 disabled adults. Such posting shall be clearly visible and in
17 a prominent place within the facility and shall be accompanied
18 by the words, "To Report the Abuse, Neglect, or Exploitation
19 of an Aged Person or Disabled Adult, Please call Toll-free 1-
20 800-342-9152."

21 Section 9. Subsections (1) and (2) of section 415.104,
22 Florida Statutes, are amended to read:

23 415.104 Protective services investigations of cases of
24 abuse, neglect, or exploitation of aged persons or disabled
25 adults; transmittal of records to state attorney.--

26 (1) The department shall, upon receipt of a report
27 alleging abuse, neglect, or exploitation of an aged person or
28 disabled adult, commence, or cause to be commenced within 24
29 hours, a protective services investigation of the facts
30 alleged therein. If, upon arrival at the scene of the
31 incident, a caregiver refuses to allow the department to begin

1 a protective services investigation or interferes with the
2 department's ability to conduct such an investigation, the
3 appropriate law enforcement agency shall be contacted. If,
4 during the course of the investigation, the department has
5 reason to believe that the abuse, neglect, or exploitation is
6 perpetrated by a second party, the appropriate criminal
7 justice agency shall be orally notified in order that such
8 agency may begin a criminal investigation concurrent with the
9 protective services investigation of the department. The
10 department shall make a preliminary written report to the
11 criminal justice agency within 5 working days of the oral
12 report. The department shall, within 24 hours after receipt
13 of the report, notify the appropriate human rights advocacy
14 committee, or long-term care ombudsman council, when
15 appropriate, that an alleged abuse, neglect, or exploitation
16 perpetrated by a second party has occurred. Notice to the
17 human rights advocacy committee or long-term care ombudsman
18 council may be accomplished orally or in writing and shall
19 include the name and location of the aged person or disabled
20 adult alleged to have been abused, neglected, or exploited and
21 the nature of the report. For each report it receives, the
22 department shall perform an on-site investigation to:

23 (a) Determine that the person is an aged person or
24 disabled adult as defined in s. 415.102.

25 (b) Determine the composition of the family or
26 household, including the name, address, date of birth age,
27 social security number, sex, and race of each aged person or
28 disabled adult named in the report; any others in the
29 household or in the care of the caregiver, or any other
30 persons responsible for the aged person's or disabled adult's
31 welfare; and any other adults in the same household.

1 (c) Determine whether there is an indication that any
2 aged person or disabled adult is abused, neglected, or
3 exploited, including a determination of harm or threatened
4 harm to any aged person or disabled adult; the nature and
5 extent of present or prior injuries, abuse, or neglect, and
6 any evidence thereof; and a determination as to the person or
7 persons apparently responsible for the abuse, neglect, or
8 exploitation, including the name, address, date of birth,
9 social security number, sex, and race of each person to be
10 classified as an alleged perpetrator in a confirmed report.
11 An alleged perpetrator of a confirmed report of abuse,
12 neglect, or exploitation shall cooperate in the provision of
13 the required data for the identification and tracking system
14 to the fullest extent possible.

15 (d) Determine the immediate and long-term risk to each
16 aged person or disabled adult through utilization of
17 standardized risk assessment instruments, if such person
18 remains in the existing environment.

19 (e) Determine the protective, treatment, and
20 ameliorative services necessary to safeguard and ensure the
21 aged person's or disabled adult's well-being and cause the
22 delivery of those services through the early intervention of
23 the departmental worker responsible for service provision and
24 management of identified services.

25
26 If the department has reason to believe that the abuse,
27 neglect, or exploitation is perpetrated by a second party, the
28 state attorney in whose circuit the alleged abuse, neglect, or
29 exploitation occurred shall be notified.

30 (2) No later than 30 days after receiving the initial
31 report, the designated aging and adult services district staff

1 of the department shall complete its investigation; determine
2 whether the reported abuse, neglect, or exploitation was
3 "confirmed," "indicated," or "unfounded"; and report its
4 findings to the department's central abuse registry and
5 tracking system.

6 Section 10. Subsections (1), (4), and (5) of section
7 415.107, Florida Statutes, are amended to read:

8 415.107 Confidentiality of reports and records in
9 cases of abuse, neglect, or exploitation of aged persons or
10 disabled adults.--

11 (1) In order to protect the rights of the individual
12 or other persons responsible for the welfare of an aged person
13 or disabled adult, all records concerning reports of abuse,
14 neglect, or exploitation of the aged person or disabled adult,
15 including reports made to the central abuse registry and
16 tracking system ~~and-to-designated-aging-and-adult-services~~
17 ~~district-offices-or-the-department~~, and all records generated
18 as a result of such reports shall be confidential and exempt
19 from the provisions of s. 119.07(1) and shall not be disclosed
20 except as specifically authorized by ss. 415.101-415.113.

21 (4) The name of any person reporting adult abuse,
22 neglect, or exploitation shall in no case be released to any
23 person other than employees of the department responsible for
24 adult protective services, the central abuse registry and
25 tracking system, or the appropriate state attorney without the
26 written consent of the person reporting abuse, neglect, or
27 exploitation when deemed necessary by the state attorney or
28 the department to protect an aged person or disabled adult who
29 is the subject of a report, provided the fact that such person
30 made the report is not disclosed. This does not prohibit the
31 subpoena of a person reporting adult abuse, neglect, or

1 exploitation when deemed necessary by the state attorney or
2 the department to protect an aged person or disabled adult who
3 is the subject of a report, provided the fact that such person
4 made the report is not disclosed. Any person who reports a
5 case of adult abuse, neglect, or exploitation may, at the time
6 he makes the report, request that the department notify him
7 that an adult protective services investigation occurred as a
8 result of the report. The department shall mail such a notice
9 to the reporter within 10 working days of the completion of
10 the adult protective services investigation.

11 (5)(a) The department shall search its central abuse
12 registry and tracking system records pursuant to the
13 requirements of ss. 110.1127, 393.0655, 394.457, 396.0425,
14 397.0715, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and
15 959.06 for the existence of a confirmed report made on the
16 personnel as defined in the foregoing provisions. The search
17 shall also include indicated reports prior to July 1, 1987.
18 Reports prior to 1978 shall not be included. If the search
19 reveals an indicated report prior to July 1, 1987, the
20 department shall review the report to determine whether the
21 indicated report shall remain classified as "indicated" or
22 shall be classified as "confirmed" according to the
23 definitions in s. 415.102. If the report remains classified
24 as "indicated," the individual shall not be disqualified. If
25 the report is classified as "confirmed," the department shall
26 notify the individual according to the provisions in s.
27 415.103(3)(d). The department shall report the existence of
28 any confirmed report and advise the authorized licensing
29 agency, applicant for licensure, or other authorized agency or
30 person of the results of the search, the date of the report,
31 whether 30 days have elapsed for requests for expunction or

1 amendment, failure of the alleged perpetrator to respond
2 pursuant to s. 415.103(3)(d), and results of any hearing
3 conducted by the secretary and any subsequent administrative
4 hearing. The department shall not release any information on
5 unfounded or indicated reports. Prior to a search being
6 conducted, the department or its designee shall notify such
7 person that an inquiry will be made. The department shall
8 notify each person for whom a search is conducted of the
9 results of the search upon request.

10 (b) The department shall, upon receipt of an
11 application of a person applying for an initial license or
12 renewal of a license for a facility to provide day or
13 residential care for aged persons or disabled adults, search
14 its central abuse registry and tracking system for the
15 existence of a confirmed report of child or adult abuse,
16 neglect, or exploitation as defined in ss. 415.102(1), (5),
17 (9), (11), and (13) and 415.503(3), (5), and (9) and advise
18 the licensing agent of any report found and the results of the
19 investigation conducted pursuant thereto, including whether 30
20 days have elapsed for requests for expunction or amendment,
21 failure of the perpetrator to respond pursuant to s.
22 415.103(3)(d) or s. 415.504(4)(d), and results of any hearing
23 conducted by the secretary and any subsequent administrative
24 hearing held on the report. Such a report shall disqualify an
25 individual from licensure, but the department may grant an
26 exemption from disqualification if the department has clear
27 and convincing evidence to support a reasonable belief that
28 the person is of good character so as to justify an exemption.
29 The person shall bear the burden of setting forth sufficient
30 evidence of rehabilitation, including, but not limited to, the
31 circumstances surrounding the incident, the nature of the harm

1 occasioned to the victim, and the history of the person since
2 the incident, or such other circumstances that shall by the
3 aforementioned standards indicate that the person will not
4 present a danger to the safety or well-being of aged persons
5 or disabled adults. The decision of the department regarding
6 an exemption may be contested through a hearing pursuant to
7 chapter 120. A disqualified person may also request amendment
8 or expunction of the report pursuant to s. 415.103(3)(d). For
9 purposes of a licensure application, these remedies must be
10 requested within 30 days of notification, or be deemed waived.
11 The department shall notify any individual disqualified from
12 licensure of the right to appeal that disqualification, of
13 remedies available, and of the time limit for requesting such
14 remedies pursuant to the provisions of this subsection. The
15 department may issue no license until screening procedures
16 and, if necessary, administrative remedies are complete.
17 However, a conditional or provisional license may be issued in
18 the case of an existing licensed facility for only that time
19 necessary to complete the above screening procedures and
20 administrative remedies. No application for licensure shall
21 be deemed complete until all requested screening information
22 has been correctly submitted pursuant to department procedure.

23 Section 11. Subsection (2) of section 415.111, Florida
24 Statutes, is amended, and subsection (5) is added to said
25 section, to read:

26 415.111 Penalties for failing to report or preventing
27 report, or for disclosing confidential information, relating
28 to abuse, neglect, or exploitation of aged person or disabled
29 adult or for act of such abuse, neglect, or exploitation;
30 penalties for making false reports.--
31

(2) Any person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse registry and tracking system, or in other computer systems, or in the records of any case of abuse, neglect, or exploitation of an aged person or disabled adult, except as provided in ss. 415.101-415.113, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of an aged person or disabled adult, or any person who advises another to make a false report, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Anyone making a report who is acting in good faith is immune from any liability under this subsection.

Section 12. Subsection (4) of section 415.503, Florida Statutes, is amended to read:

415.503 Definitions of terms used in ss. 415.502-415.514.--As used in ss. 415.502-415.514:

(4) "Child protection team" means a team of professionals established by the department to receive referrals from the protective investigators ~~single-intake~~ and protective supervision ~~services~~ staff of the children, youth, and families program and to provide specialized and supportive services to the program in processing child abuse and neglect cases. A child protection team shall provide consultation to other programs of the department and other persons on child abuse and neglect cases pursuant to s. 415.5055(1)(g).

Section 13. Paragraphs (a) and (b) of subsection (2) and subsection (4) of section 415.504, Florida Statutes, are amended to read:

1 415.504 Mandatory reports of child abuse or neglect;
2 mandatory reports of death; central abuse registry and
3 tracking system.--

4 (2)(a) Each report of known or suspected child abuse
5 or neglect pursuant to this section shall be made immediately
6 to the department's central abuse registry and tracking system
7 on the single statewide toll-free telephone number ~~or directly~~
8 ~~to the local office of the department responsible for~~
9 ~~investigation of reports made pursuant to this section.~~

10 (b) Each report made by a person in an occupation
11 designated in subsection (1) shall be confirmed in writing to
12 the local office of the department designated by the central
13 abuse registry and tracking system within 48 hours of the
14 initial report.

15 (4)(a) The department shall establish and maintain a
16 central abuse registry and tracking system which shall receive
17 all reports made pursuant to this section in writing or
18 through a single statewide toll-free telephone number which
19 any person may use to report known or suspected child abuse or
20 neglect at any hour of the day or night, any day of the week.
21 The central abuse registry and tracking system shall be
22 operated in such a manner as to enable the department to:

23 1. Immediately identify and locate prior reports or
24 cases of child abuse or neglect through utilization of the
25 department's automated tracking system.

26 2. Monitor and Regularly evaluate the effectiveness of
27 the department's program for reporting, investigating, and
28 classifying suspected abuse or neglect of abused-and-neglected
29 children through the development and analysis of statistical
30 and other information.
31

1 3. Track critical steps in the investigative process
2 to ensure compliance with all requirements for any report of
3 abuse or neglect.

4 4. Maintain and produce aggregate statistical reports
5 monitoring patterns of both child abuse and child neglect.

6 5. Serve as a resource for the evaluation, management,
7 and planning of preventive and remedial services for children
8 who have been subject to abuse or neglect.

9 (b) Upon receiving an oral or written report of known
10 or suspected child abuse or neglect, the central abuse
11 registry and tracking system shall determine if the report
12 requires an immediate on-site protective investigation. For
13 reports requiring an immediate on-site protective
14 investigation, the central abuse registry and tracking system
15 shall immediately notify the department's designated children,
16 youth, and families district staff responsible for protective
17 investigations to ensure that an on-site investigation is
18 promptly initiated. For reports not requiring an immediate
19 on-site protective investigation, the central abuse registry
20 and tracking system shall notify the department's designated
21 children, youth, and families district staff responsible for
22 protective investigations in sufficient time to allow for an
23 investigation to be commenced within 24 hours. At the time of
24 notification of district staff with respect to the report, the
25 central abuse registry and tracking system shall also provide
26 information on any previous report concerning a subject of the
27 present report or any pertinent information relative to the
28 present report or any noted earlier reports immediately notify
29 the local office of the department with respect to the report,
30 any previous report concerning a subject of the present
31 report, or any other pertinent information relative thereto.

1 (c) Upon completion of its investigation, the local
2 office of the department shall classify reports as
3 "confirmed," "indicated," or "unfounded." At this time the
4 department shall notify the parent or guardian of the child,
5 the child if appropriate, and the alleged perpetrator if other
6 than the child's parent or guardian, of the completion of its
7 investigation of the report and whether the report is
8 classified as "confirmed," "indicated," or "unfounded." All
9 identifying information in the central abuse registry and
10 tracking system or other computer systems or records that is
11 related to unfounded reports shall be expunged 1 year after
12 the case is classified as "unfounded." All identifying
13 information in the central abuse registry and tracking system
14 or other computer systems or records that is related to an
15 indicated report shall be expunged from the central abuse
16 registry and tracking system 7 years from the date of the last
17 indicated report concerning any person named in the report.
18 All information, other than identifying information, related
19 to indicated or unfounded reports at the time of expunction
20 shall be disposed of in a manner deemed appropriate by the
21 department and pursuant to ss. 119.041 and 257.36(7).
22 Unfounded ~~and~~-indicated reports shall only be indexed by the
23 name of the child to detect patterns of abuse or neglect.
24 Persons named in the unfounded or indicated reports shall not
25 be identified as alleged perpetrators. All information in the
26 central abuse registry and tracking system or other computer
27 systems or records shall be subject to the confidentiality
28 provisions in s. 415.51.

29 (d)1. Where it is shown that the record is inaccurate
30 or inconsistent with ss. 415.501-415.514, the department shall
31 amend or expunge the record. The department shall notify the

1 parent or guardian of the child, the child if appropriate, and
2 the alleged perpetrator if other than the child's parent or
3 guardian of what amendment is made to the record or of the
4 expunction of the record.

5 2. Subsequent to the completion of the department's
6 investigation, any alleged perpetrator of a confirmed report
7 may request the secretary to amend or expunge the case record
8 and all identifying information in the central abuse registry
9 and tracking system or other computer systems or records
10 pertaining to that report on the grounds that the record is
11 inaccurate or is being maintained in a manner inconsistent
12 with ss. 415.501-415.514.

13 3. Notice to the alleged perpetrator of a confirmed
14 report shall state that:

15 a. The report has been classified as confirmed;

16 b. The alleged perpetrator of a confirmed report may
17 be disqualified from working with children or the
18 developmentally disabled or from working in sensitive
19 positions involving the care of children, the developmentally
20 disabled, disabled adults, or aged persons;

21 c. The alleged perpetrator may request amendment or
22 expunction of the confirmed report, if the alleged perpetrator
23 does not agree with the classification;

24 d. The request by the alleged perpetrator for
25 amendment or expunction of the confirmed report must be
26 received by the department within 30 days after the alleged
27 perpetrator receives notice of the classification of the
28 report;

29 e. The alleged perpetrator can obtain more information
30 by calling the person whose name and telephone number are
31 provided in the notice; and

1 f. The failure to timely ask for amendment or
2 expunction means the alleged perpetrator agrees not to contest
3 the classification of the report.

4
5 Notice to the alleged perpetrator shall be sent by certified
6 mail.

7 4. Failure to respond within the time specified in
8 subparagraph 3. means that the alleged perpetrator agrees not
9 to contest the classification of the report. The alleged
10 perpetrator may within 1 year of the classification of the
11 report as confirmed request the department to set aside a
12 confirmed report where it can be shown that the failure to ask
13 for amendment or expunction was due to excusable neglect or
14 fraud. The standard for excusable neglect or fraud shall be
15 as provided in the Rules of Civil Procedure.

16 5. If the alleged perpetrator asks for amendment or
17 expunction, the secretary may amend or expunge the record. If
18 the secretary refuses or does not act within 30 days after
19 receiving such a request, the alleged perpetrator shall have
20 the right to an administrative hearing to contest whether the
21 record of the report should be amended or expunged. At the
22 chapter 120 hearing the department shall prove by a
23 preponderance of evidence that the perpetrator committed the
24 abuse or neglect. If the secretary refuses to amend or
25 expunge and the alleged perpetrator fails to timely ask for an
26 administrative hearing, the failure to timely ask shall mean
27 that the alleged perpetrator agrees not to contest the
28 secretary's decision and the findings of the confirmed report
29 of abuse or neglect. If the secretary refuses to amend or
30 expunge and the alleged perpetrator asks for an administrative
31 hearing and the department's classification is upheld, the

1 report shall remain as confirmed. Any person who is named in
2 an indicated report shall not have the right to challenge the
3 department's classification system through the department or
4 through an administrative hearing under chapter 120.

5 6. The confidentiality of the abuse or neglect report
6 shall, to the extent possible, be maintained during the
7 administrative hearing process. The administrative hearing
8 shall be closed, the administrative files shall be closed and
9 not disclosed to the public under s. 119.07(1), and any
10 identifying information in the recommended or final order
11 shall be deleted prior to publishing pursuant to chapter 120.

12 Section 14. Paragraphs (b) and (f) of subsection (1)
13 of section 415.505, Florida Statutes, are amended to read:

14 415.505 Child protective investigations; institutional
15 child abuse or neglect investigations.--

16 (1)

17 (b) For each report it receives, the department shall
18 perform an onsite child protective investigation to:

19 1. Determine the composition of the family or
20 household, including the name, address, date of birth age,
21 social security number, sex, and race of each child named in
22 the report; any siblings or other children in the same
23 household or in the care of the same adults; the parents or
24 other persons responsible for the child's welfare; and any
25 other adults in the same household.

26 2. Determine whether there is indication that any
27 child in the family or household is abused or neglected,
28 including a determination of harm or threatened harm to each
29 child; the nature and extent of present or prior injuries,
30 abuse, or neglect, and any evidence thereof; and a
31 determination as to the person or persons apparently

1 responsible for the abuse or neglect, including the name,
2 address, date of birth, social security number, sex, and race
3 of each person to be classified as an alleged perpetrator in a
4 confirmed report. An alleged perpetrator in a confirmed
5 report of abuse or neglect shall cooperate in the provision of
6 the required data for the identification and tracking system,
7 to the fullest extent possible.

8 3. Determine the immediate and long-term risk to each
9 child through utilization of standardized risk assessment
10 instruments ~~if the child remains in the existing home~~
11 environment.

12 4. Determine the protective, treatment, and
13 ameliorative services necessary to safeguard and ensure the
14 child's well-being and development and cause the delivery of
15 those services through the early intervention of the
16 departmental worker responsible for provision and management
17 of identified services in order, ~~if possible,~~ to preserve and
18 stabilize family life, if possible.

19 (F) No later than 30 days after receiving the initial
20 report, the local office of the department shall complete its
21 investigation, determine whether the reported abuse was
22 confirmed, indicated, or unfounded, and report its findings to
23 the department's central abuse registry and tracking system.

24 Section 15. Subsection (1) of section 415.5055,
25 Florida Statutes, is amended to read:

26 415.5055 Child protection teams; services; eligible
27 cases.--The department shall develop, maintain, and coordinate
28 the services of one or more multidisciplinary child protection
29 teams in each of the service districts of the department.
30 Such teams may be composed of representatives of appropriate
31

1 health, mental health, social service, legal service, and law
2 enforcement agencies.

3 (1) The department shall utilize and convene the teams
4 to supplement the protective investigation ~~single-intake~~ and
5 protective supervision services activities of the children,
6 youth, and families program of the department. Nothing in
7 this section shall be construed to remove or reduce the duty
8 and responsibility of any person to report pursuant to s.
9 415.504 all suspected or actual cases of child abuse or
10 neglect or sexual abuse of a child. The role of the teams
11 shall be to support activities of the program and to provide
12 services deemed by the teams to be necessary and appropriate
13 to abused and neglected children upon referral. The
14 specialized diagnostic assessment, evaluation, coordination,
15 consultation, and other supportive services that a child
16 protection team shall be capable of providing include, but are
17 not limited to, the following:

18 (a) Medical diagnosis and evaluation services,
19 including provision or interpretation of X rays and laboratory
20 tests, and related services, as needed, and documentation of
21 findings relative thereto.

22 (b) Telephone consultation services in emergencies and
23 in other situations.

24 (c) Medical evaluation related to abuse or neglect, as
25 defined by department policy or rule.

26 (d) Such psychological and psychiatric diagnosis and
27 evaluation services for the child or his parent or parents,
28 guardian or guardians, or other care givers, or any other
29 individual involved in a child abuse or neglect case, as the
30 team may determine to be needed.

31

1 (e) Short-term psychological treatment. It is the
2 intent of the Legislature that short-term psychological
3 treatment be limited to no more than 6 months' duration after
4 treatment is initiated, except that the appropriate district
5 administrator may authorize such treatment for individual
6 children beyond this limitation if the administrator deems it
7 appropriate.

8 (f) Expert medical, psychological, and related
9 professional testimony in court cases.

10 (g) Case staffings to develop, implement, and monitor
11 treatment plans for children whose cases have been referred to
12 the team. A child protection team may provide consultation
13 with respect to a child who has not been referred to the team,
14 but who is alleged or is shown to be abused, which
15 consultation shall be provided at the request of a
16 representative of the children, youth, and families program or
17 at the request of any other professional involved with a child
18 or his parent or parents, guardian or guardians, or other care
19 givers. In every such child protection team case staffing,
20 consultation, or staff activity involving a child, a children,
21 youth, and families program representative shall attend and
22 participate.

23 (h) Case service coordination and assistance,
24 including the location of services available from other public
25 and private agencies in the community.

26 (i) Such training services for program and other
27 department employees as is deemed appropriate to enable them
28 to develop and maintain their professional skills and
29 abilities in handling child abuse and neglect cases.

30 (j) Educational and community awareness campaigns on
31 child abuse and neglect in an effort to enable citizens more

1 successfully to prevent, identify, and treat child abuse and
2 neglect in the community.

3 Section 16. Subsection (2) of section 415.509, Florida
4 Statutes, is amended to read:

5 415.509 Responsibilities of public agencies with
6 respect to prevention, identification, and treatment of child
7 abuse and child neglect, educational and training programs.--

8 (2) The department shall, within available
9 appropriations, conduct a continuing publicity and education
10 program for district staff and officials required to report
11 and any other appropriate persons to encourage the fullest
12 degree of reporting of suspected child abuse or neglect. The
13 program shall include, but not be limited to, information
14 concerning the responsibilities, obligations, and powers
15 provided under ss. 415.502-415.514; the methods for diagnosis
16 of child abuse or neglect; and the procedures of the child
17 protective service program, the circuit court, and other duly
18 authorized agencies. In developing training programs for
19 district staff, the department shall place emphasis on
20 preservice and inservice training for protective investigation
21 single-intake, protective supervision services, and foster
22 care staff which would include skills in diagnosis and
23 treatment of child abuse and neglect and procedures of the
24 child protective system and judicial process.

25 Section 17. Subsections (1), (4), (5), (6), and (7) of
26 section 415.51, Florida Statutes, are amended to read:

27 415.51 Confidentiality of reports and records in cases
28 of child abuse or neglect.--

29 (1) In order to protect the rights of the child and
30 his parents or other persons responsible for the child's
31 welfare, all records concerning reports of child abuse or

1 neglect, including reports made to the central abuse registry
2 and tracking system ~~and-to-local-offices-of-the-department~~ and
3 all records generated as a result of such reports, shall be
4 confidential and exempt from the provisions of s. 119.07(1)
5 and shall not be disclosed except as specifically authorized
6 by ss. 415.502-415.514. Such exemption from s. 119.07(1)
7 applies to information in the possession of those entities
8 granted access as set forth in this section.

9 (4) The department shall search its central abuse
10 registry and tracking system records pursuant to the
11 requirements of ss. 110.1127, 393.0655, 394.457, 396.0425,
12 397.0715, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and
13 959.06 for the existence of a confirmed report made on the
14 personnel as defined in the foregoing provisions. The search
15 shall also include indicated reports prior to July 1, 1987.
16 Reports prior to 1978 shall not be included. If the search
17 reveals an indicated report prior to July 1, 1987, the
18 department shall review the report to determine whether the
19 indicated report shall remain classified as indicated or shall
20 be classified as confirmed according to the definitions in s.
21 415.503. If the report remains classified as indicated, the
22 individual may not be disqualified. If the report is
23 classified as confirmed, the department shall notify the
24 individual according to the provisions of s. 415.504(4)(d).
25 The department shall report the existence of any confirmed
26 report of abuse and advise the authorized licensing agency,
27 applicant for license, or other authorized agency or person of
28 the results of the search, the date of the report, whether 30
29 days have elapsed for requests for expunction or amendment,
30 failure of the alleged perpetrator to respond pursuant to s.
31 415.504(4)(d), results of any hearing conducted by the

1 secretary and any subsequent administrative hearing, and in
2 the case of judicial determination of abuse, the procedure for
3 inspection of court records as set forth in s. 39.411(3). The
4 department shall not release any information on unfounded or
5 indicated reports. Prior to a search being conducted, the
6 department or its designee shall notify such person that an
7 inquiry will be made. The department shall notify each person
8 for whom a search is conducted of the results of the search
9 upon request.

10 (5) The department shall, with the written consent of
11 a person applying to a licensed child-placing agency for the
12 adoption of a child, search its central abuse registry and
13 tracking system for the existence of a confirmed report and
14 advise the licensed child-placing agency of any such report
15 found and the results of the investigation conducted pursuant
16 thereto, including whether 30 days have elapsed for requests
17 for expunction or amendment, failure of the alleged
18 perpetrator to respond pursuant to s. 415.504(4)(d), and
19 results of any hearing conducted by the secretary and any
20 subsequent administrative hearing held on the report.

21 (6) Except as provided in subsection (4), the
22 department shall, with the written consent of a person
23 applying to work with children as a volunteer or as a paid
24 employee for a public or private nonprofit agency, or for an
25 individual family, search its central abuse registry and
26 tracking system for the existence of a confirmed report and
27 shall advise such agency or family of any such report found
28 and the results of the investigation conducted pursuant
29 thereto, including whether 30 days have elapsed for requests
30 for expunction or amendment, failure of the alleged
31 perpetrator to respond pursuant to s. 415.504(4)(d), and

1 results of any hearing conducted by the secretary and any
2 subsequent administrative hearing held on the report.

3 (7) The name of any person reporting child abuse or
4 neglect shall not be released to any person other than
5 employees of the department responsible for child protective
6 services, the central abuse registry and tracking system, or
7 the appropriate state attorney without the written consent of
8 the person reporting. This does not prohibit the subpoenaing
9 of a person reporting child abuse or neglect when deemed
10 necessary by the state attorney or the department to protect a
11 child who is the subject of a report, provided the fact that
12 such person made the report is not disclosed. Any person who
13 reports a case of child abuse or neglect may, at the time he
14 makes the report, request that the department notify him that
15 a child protective investigation occurred as a result of the
16 report. The department shall mail such a notice to the
17 reporter within 10 days of the completion of the child
18 protective investigation.

19 Section 18. Section 415.511, Florida Statutes, is
20 amended to read:

21 415.511 Immunity from liability in cases of child
22 abuse or neglect.--

23 (1)(a) Any person, official, or institution
24 participating in good faith in any act authorized or required
25 by ss. 415.502-415.514 shall be immune from any civil or
26 criminal liability which might otherwise result by reason of
27 such action.

28 (b) Nothing contained in this section shall be deemed
29 to grant immunity, civil or criminal, to any person suspected
30 of having abused or neglected a child, or committed any
31 illegal act upon or against a child.

1 (2)(a) No resident or employee of a facility serving
2 children may be subjected to reprisal or discharge because of
3 his actions in reporting abuse or neglect pursuant to the
4 requirements of this section.

5 (b) Any person making a report under this section
6 shall have a civil cause of action for appropriate
7 compensatory and punitive damages against any person who
8 causes detrimental changes in the employment status of such
9 reporting party by reason of his making such report. Any
10 detrimental change made in the residency or employment status
11 of such person, including, but not limited to, discharge,
12 termination, demotion, transfer, or reduction in pay or
13 benefits or work privileges, or negative evaluations within a
14 prescribed period of time shall establish a rebuttable
15 presumption that such action was retaliatory.

16 Section 19. Subsection (2) of section 415.513, Florida
17 Statutes, is amended, and subsection (3) is added to said
18 section, to read:

19 415.513 Penalties for failing to report or preventing
20 another person from reporting, or disclosing confidential
21 information relating to, a case of child abuse or neglect;
22 penalties for making a false report.--

23 (2) Any person who knowingly and willfully makes
24 public or discloses any confidential information contained in
25 the central abuse registry and tracking system or in the
26 records of any child abuse or neglect case, except as provided
27 in ss. 415.502-415.514, is guilty of a misdemeanor of the
28 second degree, punishable as provided in s. 775.082, s.
29 775.083, or s. 775.084.

30 (3) Any person who knowingly and willfully makes a
31 false report of child abuse or neglect, or any person who

1 advises another to make a false report, is guilty of a
2 misdemeanor of the second degree, punishable as provided in s.
3 775.082, s. 775.083, or s. 775.084. Anyone making a report
4 who is acting in good faith is immune from any liability under
5 this subsection.

6 Section 20. Paragraph (a) of subsection (4) of section
7 959.06, Florida Statutes, is amended to read:

8 959.06 Departmental contracting powers.--

9 (4) Standards for screening shall also ensure that the
10 person:

11 (a) Has not been judicially determined to have
12 committed abuse or neglect against a child as defined in s.
13 39.01~~(2)~~-and-~~(38)~~;

14 (b) Does not have a confirmed report of abuse,
15 neglect, or exploitation as defined in s. 415.102(5) which has
16 been uncontested or has been upheld pursuant to s.
17 415.504~~(4)~~(d);

18 (c) Does not have a confirmed report of abuse,
19 neglect, or exploitation as defined in s. 415.102(5) or s.
20 415.503(5) which has been uncontested or has been upheld
21 pursuant to the procedures provided in s. 415.103 or s.
22 415.504; or

23 (d) Has not committed an act which constitutes
24 domestic violence as defined in s. 741.30.

25 Section 21. This act shall take effect October 1,
26 1988.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 685

- Provides for priority to be given to placement with a relative when a child is taken into custody.
- Changes the definition title of "caretaker/homemaker" to "housekeeper/homemaker."
- Adds section 959.06, F.S., to correct cross-references.

By Representative Davis

1 A bill to be entitled

2 An act relating to family policy; creating the
3 "Family Policy Act"; establishing a legislative
4 goal; establishing provisions; providing an
5 effective date.

6
7 WHEREAS, socioeconomic changes have taken place
8 redefining the concept of the family which is the core of our
9 society and whose capability to fulfill its roles and
10 obligations is critical to the well-being of Florida's
11 citizenry and economy, and

12 WHEREAS, healthy family relations are of central
13 importance to both the ability of adults to make productive
14 contributions to society and to the emotional and intellectual
15 development of children, and

16 WHEREAS, the recognition of the worth of and respect
17 for individual family members is essential to the success of
18 the family unit and any efforts to strengthen the family unit,
19 and

20 WHEREAS, 62 percent of all Florida families are headed
21 by persons 60 years of age or older and the total is expected
22 to be at least 2.5 million by the year 2000, and

23 WHEREAS, Florida's elderly families are essential to
24 Florida's future in many ways including the vital role they
25 play as role models for younger families and children, and

26 WHEREAS, Florida's divorce rate is 40 percent higher
27 than that of the nation as a whole, and

28 WHEREAS, in Florida between 1970 and the mid 1980's,
29 female heads of households doubled, to over 20 percent of all
30 families with children, and

31

1 WHEREAS, one-half of all preschool children have
2 working mothers and two-thirds of all school age children have
3 working mothers, and

4 WHEREAS, about one-fourth of all births in Florida in
5 1986 were to unwed mothers many of whom had inadequate
6 prenatal care, and

7 WHEREAS, in 1986, 1 million Floridians were unable to
8 access suitable and affordable housing, and

9 WHEREAS, Florida has more residents living below the
10 poverty level than the national average, and

11 WHEREAS, the percentage of Florida's children living in
12 poverty increased from 17 percent in 1980 to 25 percent in
13 1986, and

14 WHEREAS, approximately 3 million children age 19 and
15 under now reside in Florida, and

16 WHEREAS, between 1980 and 2000, Florida's total
17 population is expected to grow by 80 percent, and

18 WHEREAS, a comprehensive family policy would strengthen
19 the foundation of Florida's families and thereby its future,
20 NOW, THEREFORE,

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Goal of Legislature; creation of Family
25 Policy Act.--The primary goal of the Legislature is to
26 protect, preserve, and enhance the stability and quality of
27 Florida's families through the funding of programs and
28 services, and the enforcement of laws and policies to prevent
29 family dysfunction and the loss of family independence. In
30 furtherance of this goal, there is created the "Family Policy
31 Act."

1 Section 2. Provisions of Family Policy Act --In order
2 to accomplish the goal of the Family Policy Act, the
3 Legislature shall seek to provide to all families of this
4 state the following:

5 (1) Access to safe, affordable housing.

6 (2) A safe and nurturing environment which will
7 preserve a sense of personal and family dignity.

8 (3) Adequate nutrition, shelter, and clothing.

9 (4) Effective treatment to address physical, social,
10 and emotional needs, regardless of geographical location

11 (5) Protection from abuse, neglect, and exploitation.

12 (6) Equal opportunity and access to quality and
13 effective education which will meet the individual needs of
14 each family member and which will mobilize family strengths
15 into effective educational action through a comprehensive
16 partnership of the family, school, and community that
17 reinforces and enhances family skills, reinforces a caring
18 environment, and, where feasible, utilizes the school facility
19 as a center for community activity.

20 (7) Equal opportunity and access to recreation and
21 other community resources to develop individual abilities and
22 to enhance family unity.

23 (8) Opportunity for full-time employment for those
24 family members able to work, at a wage sufficient to maintain
25 family independence.

26 (9) Opportunity for economic independence both for
27 adult family members who are disabled and unable to work and
28 for elderly family members

29 Section 3. This act shall take effect July 1, 1988, or
30 upon becoming a law, whichever occurs later.

HOUSE SUMMARY

Creates the Family Policy Act to further the legislative goal to protect, preserve, and enhance the stability and quality of Florida's families through the funding of programs and the enforcement of laws. Specifies provisions.

This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

By Representatives Bloom, Cosgrove, Saunders, Thomas,
Guber, Abrams, Friedman

1 A bill to be entitled
2 An act relating to child abuse reporting;
3 amending s. 415.511, F.S.; providing immunity
4 from civil liability with respect to failure to
5 make required reports; providing an effective
6 date.
7
8 Be It Enacted by the Legislature of the State of Florida:
9
10 Section 1. Section 415.511, Florida Statutes, is
11 amended to read:
12 415.511 Immunity from liability in cases of child
13 abuse or neglect.--
14 (1) Any person, official, or institution participating
15 in good faith in any act authorized or required by ss.
16 415.502-415 514 shall be immune from any civil or criminal
17 liability which might otherwise result by reason of such
18 action.
19 (2) Persons required by s. 415.504 to report known or
20 suspected child abuse or neglect to the department shall be
21 criminally liable pursuant to s. 415.513 for failure to make
22 the required report, but shall not be liable in any civil
23 action for damages based on such failure.
24 Section 2. This act shall take effect upon becoming a
25 law.
26
27
28
29
30
31

HOUSE SUMMARY

Provides immunity from civil liability for failure to
make required child abuse reports.

This publication was produced at an average cost of 1.12 cents
per single page in compliance with the Rules and for
the information of members of the Legislature and the public.

By the Committee on Criminal Justice and Representatives
Bloom, Cosgrove, Saunders, Thomas, Guber, Abrams, Friedman

1 A bill to be entitled
2 An act relating to child abuse reporting;
3 amending s. 415.511, F.S.; providing immunity
4 from civil or criminal liability with respect
5 to reasonable failure to act; providing an
6 effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Section 415.511, Florida Statutes, is
11 amended to read:

12 415.511 Immunity from liability in cases of child
13 abuse or neglect.--Any person, official, or institution
14 participating in good faith in any act, or who reasonably
15 fails to perform an act, authorized or required by ss.
16 415.502-415.514 shall be immune from any civil or criminal
17 liability which might otherwise result by reason of such
18 action or failure to act.

19 Section 2. This act shall take effect upon becoming a
20 law.

21
22
23
24
25 This publication was produced at an average cost of 1.12 cents
26 per single page in compliance with the Rules and for
the information of members of the Legislature and the public.

By the Committee on Health & Rehabilitative Services and
Representatives Tobin, Bloom, Davis, Jennings, Hawkins, Drage,
Friedman, Metcalf, Kelly, Rochlin, Mortham, Hill, Crady

1 A bill to be entitled
2 An act relating to abuse, neglect, abandonment,
3 and exploitation of aged persons, disabled
4 adults, and children; amending s. 20.19, F.S.;
5 conforming duties of program offices and
6 service districts of the Department of Health
7 and Rehabilitative Services to reflect changes
8 in protective investigations and current
9 responsibilities; amending s. 39.01, F.S.;
10 providing definitions; amending s. 39.401,
11 F.S.; conforming terminology and procedures to
12 definitions and current practice; providing
13 that priority consideration be given to
14 relative placements over nonrelative
15 placements; amending s. 39.402, F.S.;
16 conforming terminology; amending s. 39.403,
17 F.S.; providing for protective investigation by
18 the department; amending s. 39.404, F.S.;
19 conforming terminology; amending s. 110.1127,
20 F.S., to change a cross-reference; amending s.
21 415.103, F.S.; renaming the central abuse
22 registry and requiring any report of abuse,
23 neglect, or exploitation to be handled by the
24 central abuse registry and tracking system;
25 delineating functions of the central abuse
26 registry and tracking system; providing for
27 notification of district staff; providing for
28 indexing of certain information; providing
29 confidentiality of reports in administrative
30 hearing process; amending s. 415.104, F.S.;
31 providing standards and procedures for reports

1 and for protective services investigations;
2 amending s. 415.107, F.S.; conforming
3 terminology and procedures; amending s.
4 415.111, F.S.; providing penalties for making
5 false reports; amending s. 415.503, F.S.;
6 providing definitions; amending s. 415.504,
7 F.S.; conforming terminology; requiring child
8 abuse and neglect reports to go to the central
9 abuse registry and tracking system; delineating
10 functions of the central abuse registry and
11 tracking system; providing procedures and time
12 frames for notification of district staff;
13 providing for indexing of certain information;
14 providing confidentiality of reports in the
15 administrative hearing process; amending s.
16 415.505, F.S.; providing standards and
17 procedures for reports and for protective
18 services investigations; amending ss. 415.5055,
19 415.509, and 415.51, F.S.; conforming
20 terminology; amending s. 415.511, F.S.;
21 providing immunity from liability and
22 prohibiting reprisal against person reporting;
23 amending s. 415.513, F.S.; providing penalties
24 for making a false report; amending s. 959.06,
25 F.S., to change a cross-reference; providing an
26 effective date.
27
28 Be It Enacted by the Legislature of the State of Florida:
29
30 Section 1. Subparagraph 2. of paragraph (a) of
31 subsection (4) and subparagraph 3. of paragraph (c) of

subsection (5) of section 20.19, Florida Statutes, are amended
2 to read:

3 20.19 Department of Health and Rehabilitative
4 Services.--There is created a Department of Health and
5 Rehabilitative Services

6 (4) ASSISTANT SECRETARIES.--The secretary shall
7 appoint an Assistant Secretary for Programs and an Assistant
8 Secretary for Administration, each of whom shall serve at the
9 pleasure of, and be directly responsible to, the secretary.

10 The secretary shall appoint a Deputy Assistant Secretary for
11 Programs, a Deputy Assistant Secretary for Regulation and
12 Health Facilities, a Deputy Assistant Secretary for Medicaid,
13 and a Deputy Assistant Secretary for Health, each of whom
14 shall serve at the pleasure of the secretary and shall be
directly responsible to the Assistant Secretary for Programs.

15 (a) The Assistant Secretary for Programs shall have
16 responsibility for general statewide supervision of the
17 administration of service programs operated by the department
18 and such other program development and planning duties as are
19 assigned to him by the secretary. "General statewide
20 supervision of the administration of service programs" means
21 service program development and planning; program research;
22 identifying client needs and recommending solutions and
23 priorities; developing client service programs, including the
24 policies and standards therefor; providing technical
25 assistance to the district administrators; assisting the
26 district administrators in staff development and training;
27 reviewing and monitoring district-level program operations;
28 assuring compliance with statewide program standards and
29 performance criteria; monitoring uniform program quality among
30 districts; developing funding sources external to state
31 districts; developing funding sources external to state

1 government; and obtaining, approving, monitoring, and
2 coordinating research and program development grants; but does
3 not involve line authority over any health or human services
4 program operation of the department, including the management
5 of institutions and residential treatment programs.

6 2. The following program offices are established and
7 may be consolidated, restructured, or rearranged by the
8 secretary; provided any such consolidation, restructuring, or
9 rearranging shall be for the purpose of encouraging service
10 integration through more effective and efficient performance
11 of the program offices or parts thereof:

12 a. Children's Medical Services Program Office.--The
13 responsibilities of this office encompass all children's
14 medical services programs operated by the department.

15 b. Economic Services Program Office.--The
16 responsibilities of this office encompass all income support
17 programs within the department, such as aid to families with
18 dependent children (AFDC), food stamps, and state
19 supplementation of the supplemental security income (SSI)
20 program.

21 c. Developmental Services Program Office.--The
22 responsibilities of this office encompass programs operated by
23 the department for developmentally disabled persons.
24 Developmental disabilities include any disability defined in
25 s. 393.063.

26 d. Aging and Adult Services Program Office.--The
27 responsibilities of this office encompass all aging and adult
28 programs operated by the department.

29 e. Children, Youth, and Families Program Office.--The
30 responsibilities of this program office encompass intake
31 services for dependent-and delinquent children, families in

need of services and children in need of services programs and
2 protective investigation services for abandoned, abused, and
3 neglected children; interstate compact on the placement of
4 children programs; children's protective services; adoption;
5 child care; foster care programs; specialized services to
6 families; all programs operated by the department relating to
7 delinquent children; and related mental health services for
8 children and youth in coordination with the Alcohol, Drug
9 Abuse, and Mental Health Program Office.

10 f. Alcohol, Drug Abuse, and Mental Health Program
11 Office.--The responsibilities of this office encompass all
12 alcohol, drug abuse, and mental health programs operated by
13 the department except those programs for children and youth
14 which shall be handled in coordination with the Children,
Youth, and Families Program Office. In addition, the
16 responsibility for adult forensic programs shall be located
17 within this office.

18 (5) SERVICE DISTRICTS.--

19 (c) The duties of the district administrator shall
20 include, but are not limited to:

21 3. Applying standard information, referral, intake,
22 diagnostic and evaluation, and case management procedures
23 established by the secretary. Such procedures shall include
24 an a-single intake system for delinquency, families in need of
25 services and children in need of services programs, and a
26 protective investigation system for dependency programs
27 serving abandoned, abused, and neglected children and
28 dependency-juvenile-programs.

Section 2. Subsections (26) and (27) of section 39.01,
30 Florida Statutes, are amended, and subsections (55) and (56)
31 are added to said section, to read:

1 39.01 Definitions.--When used in this chapter:
2 (26) "Intake" means the acceptance of a law
3 enforcement report or complaint of delinquency, family in need
4 of services, or child in need of services and the screening
5 thereof to determine whether action by the court is warranted,
6 the disposition of the report or complaint without court or
7 public agency action when appropriate, the referral of the
8 child to another public or private agency when appropriate,
9 and the recommendation by the intake officer of court action
10 when appropriate.

11 (27) "Intake officer" means the authorized agent of
12 the department performing the intake function for a child
13 alleged to be delinquent ~~or~~ dependent, in need of services,
14 or from a family in need of services.

15 (55) "Protective investigation" means the acceptance
16 of a report alleging child abuse or neglect, as defined in s.
17 415.503, by the central abuse registry and tracking system or
18 the acceptance of a report of other dependency by the local
19 children, youth, and families office of the department; the
20 investigation and classification of each report; the
21 determination of whether action by the court is warranted; the
22 determination of the disposition of each report without court
23 or public agency action when appropriate; the referral of a
24 child to another public or private agency when appropriate;
25 and the recommendation by the protective investigator of court
26 action when appropriate.

27 (56) "Protective investigator" means an authorized
28 agent of the department who receives, investigates, and
29 classifies reports of child abuse or neglect as defined in s.
30 415.503; who, as a result of the investigation, may file a
31 dependency petition for the child under the criteria of

1 paragraph (10)(a); and who performs other duties necessary to
2 carry out the required actions of the protective investigation
3 function.

4 Section 3. Subsections (2) and (3) of section 39 401,
5 Florida Statutes, are amended to read:

6 39.401 Taking a child alleged to be dependent into
7 custody.--

8 (2) If the person taking the child into custody is not
9 a protective investigator an-intake-officer, he shall:

10 (a) Release the child to a parent, guardian, legal
11 custodian, responsible adult approved by the court when
12 limited to temporary emergency situations, responsible adult:
13 relative who shall be given priority consideration over a
14 nonrelative placement, or responsible adult approved by the
15 department; within 3 days following such release, the person
16 taking the child into custody shall make a full written report
17 to the protective investigation intake office of the
18 department for cases involving allegations of abandonment,
19 abuse, or neglect or to the appropriate service unit of the
20 local children, youth, and families office within the
21 department for other dependency cases within-3-days; or

22 (b) Deliver the child to a protective investigator an
23 intake-officer of the department, stating the facts by reason
24 of which the child was taken into custody and sufficient
25 information to establish probable cause that the child is
26 abandoned, abused, or neglected dependent, and make a full
27 written report to the protective investigation intake office
28 of the department within 3 days For any other dependent
29 child, deliver the child to the appropriate service unit of
30 the local children, youth, and families office within the
31

1 department and provide the required report to that unit
2 office.

3 (3) If the child is taken into custody by, or is
4 delivered to, a protective investigator ~~an intake-officer~~, the
5 protective investigator ~~intake-officer~~ shall review the facts
6 and make such further inquiry as necessary to determine
7 whether the child should remain in custody or be released.
8 Unless shelter is required as provided in s. 39.402(1), the
9 protective investigator ~~intake-officer~~ shall:

10 (a) Release the child to his parent, guardian, legal
11 custodian, a responsible adult relative who shall be given
12 priority consideration over a nonrelative placement, or a
13 responsible adult approved by the department; or

14 (b) Authorize placement of a housekeeper/homemaker
15 ~~caretaker/homemaker~~ in the home of a child alleged to be
16 dependent until the parent or legal custodian assumes care of
17 the child.

18 Section 4. Subsections (3) and (4) and paragraph (b)
19 of subsection (8) of section 39.402, Florida Statutes, are
20 amended to read:

21 39.402 Placement in a shelter.--

22 (3) If the protective investigator ~~intake-officer~~
23 determines that placement in a shelter is necessary according
24 to the provisions of subsections (1) and (2), the protective
25 investigator ~~intake-officer~~ shall authorize placement of the
26 child in a shelter and shall immediately notify the parents or
27 legal custodians that the child was taken into custody.

28 (4) If the child is alleged to be both dependent and
29 delinquent, the protective investigator ~~intake-officer~~ may
30 authorize either placement in a shelter pursuant to this
31 section or detention pursuant to s. 39.032.

1 (6)

2 (b) In the interval until the detention hearing is
3 held pursuant to paragraph (a), the decision as to placement
4 in a shelter or release of the child from a shelter shall lie
5 with the protective investigator ~~intake-officer~~ in accordance
6 with subsection (3).

7 Section 5. Section 39.403, Florida Statutes, is
8 amended to read:

9 39.403 Protective investigation Intake.--

10 (1) Protective investigation Intake shall be performed
11 by the department. A report or complaint alleging that a
12 child is dependent as a result of child abuse or neglect as
13 defined in s. 415.503 shall be made to the central abuse
14 registry and tracking system. Complaints alleging that a
15 child is dependent on any basis other than as a result of
16 child abuse or neglect as defined in s. 415.503 shall be made
17 to the local children, youth, and families office of the
18 department shall-be-made-to-the-intake-offee operating in the
19 county in which the child is found or in which the case arose.
20 Any person or agency having knowledge of the facts may make a
21 report or complaint. The complainant shall furnish the
22 protective investigation office or the appropriate service
23 unit of the local children, youth, and families office of the
24 department, whichever is appropriate, intake-offee facts
25 sufficient to establish the jurisdiction of the court and to
26 support a finding by the court that the child is dependent.

27 (2) The protective investigator ~~intake-officer~~ shall
28 make a preliminary determination as to whether the report or
29 complaint is complete, consulting with the state attorney or
30 assistant state attorney when necessary. In any case in which
31 the protective investigator ~~intake-officer~~ or the state

1 attorney finds that the report or complaint is incomplete, the
2 protective investigator ~~intake-officer~~ or state attorney shall
3 return the report or complaint without delay to the person or
4 agency originating the report or complaint or having knowledge
5 of the facts or to the appropriate law enforcement agency
6 having investigative jurisdiction and request additional
7 information in order to complete the report or complaint;
8 however, the confidentiality of any report filed in accordance
9 with ss. 415 502-415.514 shall not be violated.

10 (a) If the protective investigator ~~intake-officer~~
11 determines that the report or complaint is complete, he may,
12 after determining that such action would be in the best
13 interests of the child, file a petition for dependency.

14 (b) If the protective investigator ~~intake-officer~~
15 determines that the report or complaint is complete, but that
16 in his judgment the interest of the child and the public will
17 be best served by providing the child care or other treatment
18 voluntarily accepted by the child and his parents or legal
19 custodians, the protective investigator ~~intake-officer~~ may
20 refer the child for such care or other treatment.

21 (c) If the protective investigator ~~intake-officer~~
22 refuses to file a petition for dependency, the complainant
23 shall be advised of his right to file a petition pursuant to
24 this part.

25 Section 6. Subsections (3) and (6) of section 39.404,
26 Florida Statutes, are amended to read:

27 39.404 Petition for dependency.--

28 (3) When the child has been taken into custody, a
29 petition alleging dependency shall be filed within 7 days of
30 the date the child is taken into custody. In all other cases,
31 the petition shall be filed within a reasonable time after the

date the child was referred to protective investigation intake
pursuant to s. 39.403

(6) When a petition for dependency has been filed and
the parents or custodians of the child have advised the
protective investigation intake office that the truth of the
allegations is acknowledged and that no contest is to be made
of the adjudication, the protective investigator intake
officer may set the case before the court for an adjudicatory
hearing. Neither the state attorney nor an assistant state
attorney shall be required to be present at the adjudicatory
hearing. Should there be a change in the plea at this
hearing, the court shall continue the hearing to permit the
state attorney to prepare and present the case for the state.

Section 7 Paragraph (a) of subsection (3) of section
110.1127, Florida Statutes, is amended to read:

110.1127 Employee security checks.--

(3)(a) Within the Department of Health and
Rehabilitative Services, all positions in programs providing
care to children or the developmentally disabled for 15 hours
or more per week are deemed to be positions of special trust
or responsibility, and a person shall be disqualified for
employment in any such position by reason of:

1. Having been found guilty of, regardless of
adjudication, or having entered a plea of nolo contendere or
guilty to, any offense prohibited under any of the following
provisions of the Florida Statutes or under any similar
statute of another jurisdiction:

- a. Section 782.04, relating to murder.
- b. Section 782.07, relating to manslaughter.
- c. Section 782.071, relating to vehicular homicide.

- 1 d. Section 782.09, relating to killing of an unborn
2 child by injury to the mother.
- 3 e. Section 784.011, relating to assault, if the victim
4 of the offense was a minor.
- 5 f. Section 784.021, relating to aggravated assault.
- 6 g. Section 784.03, relating to battery, if the victim
7 of the offense was a minor.
- 8 h. Section 784.045, relating to aggravated battery.
- 9 i. Section 787.01, relating to kidnapping.
- 10 j. Section 787.02, relating to false imprisonment.
- 11 k. Section 787.04, relating to removing children from
12 the state or concealing children contrary to court order.
- 13 l. Section 794.011, relating to sexual battery.
- 14 m. Section 794.041, relating to prohibited acts of
15 persons in familial or custodial authority.
- 16 n. Chapter 796, relating to prostitution.
- 17 o. Section 798.02, relating to lewd and lascivious
18 behavior.
- 19 p. Chapter 800, relating to lewdness and indecent
20 exposure.
- 21 q. Section 806.01, relating to arson.
- 22 r. Section 812.13, relating to robbery.
- 23 s. Section 826.04, relating to incest.
- 24 t. Section 827.03, relating to aggravated child abuse.
- 25 u. Section 827.04, relating to child abuse.
- 26 v. Section 827.05, relating to negligent treatment of
27 children.
- 28 w. Section 827.071, relating to sexual performance by
29 a child.
- 30 x. Section 827.09, relating to abuse, neglect, or
31 exploitation of aged or disabled persons.

1 y. Chapter 847, relating to obscene literature.

2 z. Chapter 893, relating to drug abuse prevention and
3 control, only if the offense was a felony or if any other
4 person involved in the offense was a minor.

5 aa. Section 817.563, relating to fraudulent sale of
6 controlled substances, only if the offense was a felony; or

7 2. Having had a finding of delinquency or having
8 entered a plea of nolo contendere or a plea amounting to an
9 admission of guilt to a petition alleging delinquency pursuant
10 to part II, chapter 39, or similar statutes of other
11 jurisdictions, for any of the foregoing acts, regardless of
12 adjudication or disposition. For the purposes of this
13 subsection, such a finding or plea has the same effect as a
14 finding of guilt; or

15 3. Having been judicially determined to have committed
16 abuse or neglect against a child as defined in s. 39.01(2)-and
17 (30); or

18 4. Having a confirmed report of abuse, neglect, or
19 exploitation as defined in s. 415.102(5) or abuse or neglect
20 as defined in s. 415.503(5) which has been uncontested or
21 upheld pursuant to the procedures provided in s. 415.103 or s.
22 415.504; or

23 5. Having committed an act which constitutes domestic
24 violence as defined in s. 741.30.

25 Section 8. Paragraph (a) of subsection (1), subsection
26 (3), and paragraph (a) of subsection (4) of section 415.103,
27 Florida Statutes, are amended to read:

28 415.103 Mandatory reporting of abuse, neglect, or
29 exploitation of aged persons or disabled adults; mandatory
30 reports of death; central abuse registry and tracking system;
31 immunity from liability.--

1 (1) MANDATORY REPORTING.--

2 (a) Any person, including, but not limited to, any:

3 1. Physician, osteopath, medical examiner,
4 chiropractor, nurse, or hospital personnel engaged in the
5 admission, examination, care, or treatment of aged persons or
6 disabled adults;

7 2. Health or mental health professional other than one
8 listed in subparagraph 1.;

9 3. Practitioner who relies solely on spiritual means
10 for healing;

11 4. Nursing home staff, adult congregate living
12 facility staff, adult day care center staff, social worker, or
13 other professional adult care, foster care, residential, or
14 institutional staff;

15 5. State, county, or municipal criminal justice
16 employee or law enforcement officer; or

17 6. Human rights advocacy committee or long-term care
18 ombudsman council member,

19
20 who knows, or has reasonable cause to suspect, that an aged
21 person or disabled adult is an abused, neglected, or exploited
22 person shall immediately report such knowledge or suspicion to
23 the central abuse registry and tracking system of the
24 department on the single statewide toll-free telephone number
25 ~~or directly to the local office of the department responsible~~
26 ~~for investigation of reports made pursuant to this section.~~

27 (3) CENTRAL ABUSE REGISTRY AND TRACKING SYSTEM.--

28 (a) The department shall establish and maintain a
29 central abuse registry and tracking system which shall receive
30 all reports made pursuant to this section in writing or
31 through a single statewide toll-free telephone number which

1 any person may use to report known or suspected abuse,
2 neglect, or exploitation of an aged person or disabled adult
3 at any hour of the day or night, any day of the week. The
4 central abuse registry and tracking system shall be operated
5 in such a manner as to enable the department to:

6 1. Immediately identify and locate prior reports or
7 cases of adult abuse, neglect, or exploitation through the
8 department's automated tracking system.

9 2. Monitor and evaluate the effectiveness of the
10 department's program for reporting, and investigating, and
11 classifying suspected abuse, neglect, or exploitation of aged
12 persons or disabled adults, and the provision of protective
13 services to such persons through the development and analysis
14 of statistical and other information, and to report thereon.

15 3. Track critical steps in the investigative process
16 to ensure compliance with all requirements for all reports.

17 4.3- Maintain and produce aggregate statistical
18 reports for monitoring patterns of abuse, neglect, or
19 exploitation of aged persons or disabled adults.

20 5.4- Serve as a resource for the evaluation,
21 management, and planning of preventive and remedial services
22 for aged persons or disabled adults who have been subject to
23 abuse, neglect, or exploitation.

24 (b) Upon receiving an oral or written report of known
25 or suspected abuse, neglect, or exploitation of an aged person
26 or disabled adult, the central abuse registry and tracking
27 system shall determine if the report requires an immediate on-
28 site protective investigation. For reports requiring an
29 immediate on-site protective investigation, the central abuse
30 registry and tracking system shall notify the department's
31 designated aging and adult services district staff responsible

1 for protective investigations immediately to ensure prompt
2 initiation of an on-site investigation. For reports not
3 requiring an immediate on-site protective investigation, the
4 central abuse registry and tracking system shall notify the
5 department's designated aging and adult services district
6 staff responsible for protective investigations in sufficient
7 time to allow for an investigation to be commenced within 24
8 hours. At the time of notification of district staff with
9 respect to the report, the central abuse registry and tracking
10 system shall also provide information on any previous report
11 concerning a subject of the present report or any pertinent
12 information relative to the present report or any noted
13 earlier reports immediately-notify-the-designated-aging-and
14 adult-services-district-staff-of-the-department-with-respect
15 to-the-report,-any-previous-report-concerning-a-subject-of-the
16 present-report,-or-any-other-pertinent-information-relative
17 thereto.

18 (c) Upon completion of its investigation, the
19 designated aging and adult services district staff of the
20 department shall classify reports either as "confirmed,"
21 "indicated," or "unfounded." At this time, the department
22 shall notify the victim named in the report, the guardian or
23 guardians or the caregiver of the aged person or disabled
24 adult named as the victim, and the alleged perpetrator, if
25 other than the guardian or guardians or the caregiver, of the
26 completion of the investigation of the report, the
27 classification of the report, and the right to ask for
28 amendment or expunction pursuant to paragraph (d). All
29 identifying information in the central abuse registry and
30 tracking system or other computer systems or records that is
31 related to an unfounded report shall be expunged 1 year after

1 the case is classified as "unfounded." All identifying
2 information in the central abuse registry and tracking system
3 related to an indicated report shall be expunged from the
4 central abuse registry and tracking system 7 years from the
5 date of the last indicated report concerning any person named
6 in the report. All information, other than identifying
7 information, related to an indicated or unfounded report at
8 the time of expunction shall be disposed of in a manner deemed
9 appropriate by the department and pursuant to ss. 119.041 and
10 257.36(7). Unfounded and ~~indicated~~ reports shall only be
11 indexed by the name of the aged person or disabled adult to
12 detect patterns of abuse, neglect, or exploitation. Persons
13 named in unfounded or indicated reports shall not be
14 identified as alleged perpetrators. All information in the
15 central abuse registry and tracking system or other computer
16 systems or records shall be subject to the confidentiality
17 provisions in s. 415.107.

18 (d)1. Where it is shown that the record is inaccurate
19 or inconsistent with ss. 415.101-415.113, the department shall
20 amend or expunge the record. The department shall notify the
21 victim and the alleged perpetrator of what amendment is made
22 to the record or of the expunction of the record.

23 2. Subsequent to the completion of the department's
24 investigation, the victim or alleged perpetrator of a
25 confirmed report may request the secretary to amend or expunge
26 the case record and all identifying information in the abuse
27 registry or other computer systems or records pertaining to
28 that report on the grounds that the record is inaccurate or is
29 being maintained in a manner inconsistent with ss. 415.101-
30 415.113.

31

1 3. Notice to the alleged perpetrator of a confirmed
2 report shall state that:
3 a. The report has been classified as confirmed;
4 b. The alleged perpetrator of a confirmed report may
5 be disqualified from working with children or the
6 developmentally disabled or from working in sensitive
7 positions involving the care of children, the developmentally
8 disabled, disabled adults, or aged persons;
9 c. The alleged perpetrator may request amendment or
10 expunction of the confirmed report, if the alleged perpetrator
11 does not agree with the classification;
12 d. The request by the alleged perpetrator for
13 amendment or expunction of the confirmed report must be
14 received by the department within 30 days after the alleged
15 perpetrator receives notice of the classification of the
16 report;
17 e. The alleged perpetrator can obtain more information
18 by calling the person whose name and telephone number are
19 provided in the notice; and
20 f. The failure to timely ask for amendment or
21 expunction means the alleged perpetrator agrees not to contest
22 the classification of the report.
23
24 Notice to the alleged perpetrator shall be sent by certified
25 mail.
26 4. Failure to respond within the time specified in
27 subparagraph 3. means that the alleged perpetrator agrees not
28 to contest the classification of the report. The alleged
29 perpetrator may, within 1 year of the classification of the
30 report as confirmed, request the department to set aside a
31 confirmed report where it can be shown that the failure to ask

1 for amendment or expunction was due to excusable neglect or
2 fraud. The standard for excusable neglect or fraud shall be
3 as provided in the Rules of Civil Procedure.

4 5. If the alleged perpetrator asks for amendment or
5 expunction, the secretary may amend or expunge the record. If
6 the secretary refuses or does not act within 30 days after
7 receiving such a request, the alleged perpetrator shall have
8 the right to an administrative hearing to contest whether the
9 record of the report should be amended or expunged. At the
10 chapter 120 hearing the department shall prove by a
11 preponderance of evidence that the perpetrator committed the
12 abuse or neglect. If the secretary refuses to amend or
13 expunge and the alleged perpetrator fails to timely ask for an
14 administrative hearing, the failure to timely ask shall mean
15 that the alleged perpetrator agrees not to contest the
16 secretary's decision and the findings of the confirmed report
17 of abuse or neglect. If the secretary refuses to amend or
18 expunge and the alleged perpetrator asks for an administrative
19 hearing and the department's classification is upheld, the
20 report shall remain as confirmed. Any person who is named in
21 an indicated report shall not have the right to challenge the
22 department's classification system through the department or
23 through an administrative hearing under chapter 120.

24 6. The confidentiality of the abuse or neglect report
25 shall, to the extent possible, be maintained during the
26 administrative hearing process. The administrative hearing
27 shall be closed, the administrative files shall be closed and
28 not disclosed to the public under s. 119.07(1), and any
29 identifying information in the recommended or final order
30 shall be deleted prior to publishing pursuant to chapter 120.
31

1 (4) POSTING STATEWIDE TOLL-FREE TELEPHONE NUMBER FOR
2 THE CENTRAL ABUSE REGISTRY AND TRACKING SYSTEM.--

3 (a) The statewide toll-free telephone number for the
4 central abuse registry and tracking system shall be posted in
5 all facilities operated by or under contract with or licensed
6 by the department which provide services to aged persons or
7 disabled adults. Such posting shall be clearly visible and in
8 a prominent place within the facility and shall be accompanied
9 by the words, "To Report the Abuse, Neglect, or Exploitation
10 of an Aged Person or Disabled Adult, Please call Toll-free 1-
11 800-342-9152."

12 Section 9 Subsections (1) and (2) of section 415.104,
13 Florida Statutes, are amended to read:

14 415.104 Protective services investigations of cases of
15 abuse, neglect, or exploitation of aged persons or disabled
16 adults; transmittal of records to state attorney.--

17 (1) The department shall, upon receipt of a report
18 alleging abuse, neglect, or exploitation of an aged person or
19 disabled adult, commence, or cause to be commenced within 24
20 hours, a protective services investigation of the facts
21 alleged therein. If, upon arrival at the scene of the
22 incident, a caregiver refuses to allow the department to begin
23 a protective services investigation or interferes with the
24 department's ability to conduct such an investigation, the
25 appropriate law enforcement agency shall be contacted. If,
26 during the course of the investigation, the department has
27 reason to believe that the abuse, neglect, or exploitation is
28 perpetrated by a second party, the appropriate criminal
29 justice agency shall be orally notified in order that such
30 agency may begin a criminal investigation concurrent with the
31 protective services investigation of the department. The

1 department shall make a preliminary written report to the
2 criminal justice agency within 5 working days of the oral
3 report. The department shall, within 24 hours after receipt
4 of the report, notify the appropriate human rights advocacy
5 committee, or long-term care ombudsman council, when
6 appropriate, that an alleged abuse, neglect, or exploitation
7 perpetrated by a second party has occurred. Notice to the
8 human rights advocacy committee or long-term care ombudsman
9 council may be accomplished orally or in writing and shall
10 include the name and location of the aged person or disabled
11 adult alleged to have been abused, neglected, or exploited and
12 the nature of the report. For each report it receives, the
13 department shall perform an on-site investigation to:

14 (a) Determine that the person is an aged person or
15 disabled adult as defined in s. 415.102.

16 (b) Determine the composition of the family or
17 household, including the name, address, date of birth age,
18 social security number, sex, and race of each aged person or
19 disabled adult named in the report; any others in the
20 household or in the care of the caregiver, or any other
21 persons responsible for the aged person's or disabled adult's
22 welfare; and any other adults in the same household.

23 (c) Determine whether there is an indication that any
24 aged person or disabled adult is abused, neglected, or
25 exploited, including a determination of harm or threatened
26 harm to any aged person or disabled adult; the nature and
27 extent of present or prior injuries, abuse, or neglect, and
28 any evidence thereof; and a determination as to the person or
29 persons apparently responsible for the abuse, neglect, or
30 exploitation, including the name, address, date of birth,
31 social security number, sex, and race of each person to be

1 classified as an alleged perpetrator in a confirmed report
2 An alleged perpetrator of a confirmed report of abuse,
3 neglect, or exploitation shall cooperate in the provision of
4 the required data for the identification and tracking system
5 to the fullest extent possible.

6 (d) Determine the immediate and long-term risk to each
7 aged person or disabled adult through utilization of
8 standardized risk assessment instruments ~~and if such person~~
9 ~~remains in the existing environment~~

10 (e) Determine the protective, treatment, and
11 ameliorative services necessary to safeguard and ensure the
12 aged person's or disabled adult's well-being and cause the
13 delivery of those services through the early intervention of
14 the departmental worker responsible for service provision and
15 management of identified services.

16
17 If the department has reason to believe that the abuse,
18 neglect, or exploitation is perpetrated by a second party, the
19 state attorney in whose circuit the alleged abuse, neglect, or
20 exploitation occurred shall be notified

21 (2) No later than 30 days after receiving the initial
22 report, the designated aging and adult services district staff
23 of the department shall complete its investigation; determine
24 whether the reported abuse, neglect, or exploitation was
25 "confirmed," "indicated," or "unfounded"; and report its
26 findings to the department's central abuse registry and
27 tracking system.

28 Section 10. Subsections (1), (4), and (5) of section
29 415.107, Florida Statutes, are amended to read:

30

31

415.107 Confidentiality of reports and records in
cases of abuse, neglect, or exploitation of aged persons or
disabled adults.--

(1) In order to protect the rights of the individual
or other persons responsible for the welfare of an aged person
or disabled adult, all records concerning reports of abuse,
neglect, or exploitation of the aged person or disabled adult,
including reports made to the central abuse registry and
tracking system ~~and-to-designated-aging-and-adult-services~~
~~district-offices-of-the-department~~, and all records generated
as a result of such reports shall be confidential and exempt
from the provisions of s. 119.07(1) and shall not be disclosed
except as specifically authorized by ss. 415.101-415.113

(4) The name of any person reporting adult abuse,
neglect, or exploitation shall in no case be released to any
person other than employees of the department responsible for
adult protective services, the central abuse registry and
tracking system, or the appropriate state attorney without the
written consent of the person reporting abuse, neglect, or
exploitation when deemed necessary by the state attorney or
the department to protect an aged person or disabled adult who
is the subject of a report, provided the fact that such person
made the report is not disclosed. This does not prohibit the
subpoena of a person reporting adult abuse, neglect, or
exploitation when deemed necessary by the state attorney or
the department to protect an aged person or disabled adult who
is the subject of a report, provided the fact that such person
made the report is not disclosed. Any person who reports a
case of adult abuse, neglect, or exploitation may, at the time
he makes the report, request that the department notify him
that an adult protective services investigation occurred as a

1 result of the report. The department shall mail such a notice
2 to the reporter within 10 working days of the completion of
3 the adult protective services investigation.

4 (5)(a) The department shall search its central abuse
5 registry and tracking system records pursuant to the
6 requirements of ss. 110.1127, 393.0655, 394.457, 396.0425,
7 397.0715, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and
8 959.06 for the existence of a confirmed report made on the
9 personnel as defined in the foregoing provisions. The search
10 shall also include indicated reports prior to July 1, 1987.
11 Reports prior to 1978 shall not be included. If the search
12 reveals an indicated report prior to July 1, 1987, the
13 department shall review the report to determine whether the
14 indicated report shall remain classified as "indicated" or
15 shall be classified as "confirmed" according to the
16 definitions in s. 415.102. If the report remains classified
17 as "indicated," the individual shall not be disqualified. If
18 the report is classified as "confirmed," the department shall
19 notify the individual according to the provisions in s.
20 415.103(3)(d). The department shall report the existence of
21 any confirmed report and advise the authorized licensing
22 agency, applicant for licensure, or other authorized agency or
23 person of the results of the search, the date of the report,
24 whether 30 days have elapsed for requests for expunction or
25 amendment, failure of the alleged perpetrator to respond
26 pursuant to s. 415.103(3)(d), and results of any hearing
27 conducted by the secretary and any subsequent administrative
28 hearing. The department shall not release any information on
29 unfounded or indicated reports. Prior to a search being
30 conducted, the department or its designee shall notify such
31 person that an inquiry will be made. The department shall

1 | notify each person for whom a search is conducted of the
2 | results of the search upon request.

3 | (b) The department shall, upon receipt of an
4 | application of a person applying for an initial license or
5 | renewal of a license for a facility to provide day or
6 | residential care for aged persons or disabled adults, search
7 | its central abuse registry and tracking system for the
8 | existence of a confirmed report of child or adult abuse,
9 | neglect, or exploitation as defined in ss. 415.102(1), (5),
10 | (9), (11), and (13) and 415.503(3), (5), and (9) and advise
11 | the licensing agent of any report found and the results of the
12 | investigation conducted pursuant thereto, including whether 30
13 | days have elapsed for requests for expunction or amendment,
14 | failure of the perpetrator to respond pursuant to s.
15 | 415.103(3)(d) or s. 415.504(4)(d), and results of any hearing
16 | conducted by the secretary and any subsequent administrative
17 | hearing held on the report. Such a report shall disqualify an
18 | individual from licensure, but the department may grant an
19 | exemption from disqualification if the department has clear
20 | and convincing evidence to support a reasonable belief that
21 | the person is of good character so as to justify an exemption.
22 | The person shall bear the burden of setting forth sufficient
23 | evidence of rehabilitation, including, but not limited to, the
24 | circumstances surrounding the incident, the nature of the harm
25 | occasioned to the victim, and the history of the person since
26 | the incident, or such other circumstances that shall by the
27 | aforementioned standards indicate that the person will not
28 | present a danger to the safety or well-being of aged persons
29 | or disabled adults. The decision of the department regarding
30 | an exemption may be contested through a hearing pursuant to
31 | chapter 120. A disqualified person may also request amendment

1 or expunction of the report pursuant to s. 415.103(3)(d) For
2 purposes of a licensure application, these remedies must be
3 requested within 30 days of notification, or be deemed waived.
4 The department shall notify any individual disqualified from
5 licensure of the right to appeal that disqualification, of
6 remedies available, and of the time limit for requesting such
7 remedies pursuant to the provisions of this subsection. The
8 department may issue no license until screening procedures
9 and, if necessary, administrative remedies are complete.
10 However, a conditional or provisional license may be issued in
11 the case of an existing licensed facility for only that time
12 necessary to complete the above screening procedures and
13 administrative remedies. No application for licensure shall
14 be deemed complete until all requested screening information
15 has been correctly submitted pursuant to department procedure.

16 Section 11. Subsection (2) of section 415.111, Florida
17 Statutes, is amended, and subsection (5) is added to said
18 section, to read:

19 415.111 Penalties for failing to report or preventing
20 report, or for disclosing confidential information, relating
21 to abuse, neglect, or exploitation of aged person or disabled
22 adult or for act of such abuse, neglect, or exploitation;
23 penalties for making false reports.--

24 (2) Any person who knowingly and willfully makes
25 public or discloses any confidential information contained in
26 the central abuse registry and tracking system, or in other
27 computer systems, or in the records of any case of abuse,
28 neglect, or exploitation of an aged person or disabled adult,
29 except as provided in ss. 415.101-415.113, is guilty of a
30 misdemeanor of the second degree, punishable as provided in s.
31 775.082, s. 775.083, or s. 775.084.

1 (5) Any person who knowingly and willfully makes a
2 false report of abuse, neglect, or exploitation of an aged
3 person or disabled adult, or any person who advises another to
4 make a false report, is guilty of a misdemeanor of the second
5 degree, punishable as provided in s. 775.082, s. 775.083, or
6 s. 775.084. Anyone making a report who is acting in good
7 faith is immune from any liability under this subsection.

8 Section 12. Subsection (4) of section 415.503, Florida
9 Statutes, is amended to read:

10 415.503 Definitions of terms used in ss. 415.502-
11 415.514.--As used in ss. 415.502-415.514:

12 (4) "Child protection team" means a team of
13 professionals established by the department to receive
14 referrals from the protective investigators single-intake and
15 protective supervision services staff of the children, youth,
16 and families program and to provide specialized and supportive
17 services to the program in processing child abuse and neglect
18 cases. A child protection team shall provide consultation to
19 other programs of the department and other persons on child
20 abuse and neglect cases pursuant to s. 415.5055(1)(g).

21 Section 13. Paragraphs (a) and (b) of subsection (2)
22 and subsection (4) of section 415.504, Florida Statutes, are
23 amended to read:

24 415.504 Mandatory reports of child abuse or neglect;
25 mandatory reports of death; central abuse registry and
26 tracking system.--

27 (2)(a) Each report of known or suspected child abuse
28 or neglect pursuant to this section shall be made immediately
29 to the department's central abuse registry and tracking system
30 on the single statewide toll-free telephone number or-directly

1 ~~to the local office of the department responsible for~~
2 ~~investigation of reports made pursuant to this section.~~

3 (b) Each report made by a person in an occupation
4 designated in subsection (1) shall be confirmed in writing to
5 the local office of the department designated by the central
6 abuse registry and tracking system within 48 hours of the
7 initial report.

8 (4)(a) The department shall establish and maintain a
9 central abuse registry and tracking system which shall receive
10 all reports made pursuant to this section in writing or
11 through a single statewide toll-free telephone number which
12 any person may use to report known or suspected child abuse or
13 neglect at any hour of the day or night, any day of the week.

14 The central abuse registry and tracking system shall be
15 operated in such a manner as to enable the department to:

16 1. Immediately identify and locate prior reports or
17 cases of child abuse or neglect through utilization of the
18 department's automated tracking system.

19 2. Monitor and Regularly evaluate the effectiveness of
20 the department's program for reporting, investigating, and
21 classifying suspected abuse or neglect of abused and neglected
22 children through the development and analysis of statistical
23 and other information.

24 3. Track critical steps in the investigative process
25 to ensure compliance with all requirements for any report of
26 abuse or neglect.

27 4. Maintain and produce aggregate statistical reports
28 monitoring patterns of both child abuse and child neglect.

29 5. Serve as a resource for the evaluation, management,
30 and planning of preventive and remedial services for children
31 who have been subject to abuse or neglect.

1 (b) Upon receiving an oral or written report of known
2 or suspected child abuse or neglect, the central abuse
3 registry and tracking system shall determine if the report
4 requires an immediate on-site protective investigation. For
5 reports requiring an immediate on-site protective
6 investigation, the central abuse registry and tracking system
7 shall immediately notify the department's designated children,
8 youth, and families district staff responsible for protective
9 investigations to ensure that an on-site investigation is
10 promptly initiated. For reports not requiring an immediate
11 on-site protective investigation, the central abuse registry
12 and tracking system shall notify the department's designated
13 children, youth, and families district staff responsible for
14 protective investigations in sufficient time to allow for an
15 investigation to be commenced within 24 hours. At the time of
16 notification of district staff with respect to the report, the
17 central abuse registry and tracking system shall also provide
18 information on any previous report concerning a subject of the
19 present report or any pertinent information relative to the
20 present report or any noted earlier reports immediately-notify
21 the-local-office-of-the-department-with-respect-to-the-report,
22 any-previous-report-concerning-a-subject-of-the-present
23 report,or-any-other-pertinent-information-relatvse-thereto.

24 (c) Upon completion of its investigation, the local
25 office of the department shall classify reports as
26 "confirmed," "indicated," or "unfounded." At this time the
27 department shall notify the parent or guardian of the child,
28 the child if appropriate, and the alleged perpetrator if other
29 than the child's parent or guardian, of the completion of its
30 investigation of the report and whether the report is
31 classified as "confirmed," "indicated," or "unfounded." All

1 identifying information in the central abuse registry and
2 tracking system or other computer systems or records that is
3 related to unfounded reports shall be expunged 1 year after
4 the case is classified as "unfounded." All identifying
5 information in the central abuse registry and tracking system
6 or other computer systems or records that is related to an
7 indicated report shall be expunged from the central abuse
8 registry and tracking system 7 years from the date of the last
9 indicated report concerning any person named in the report.
10 All information, other than identifying information, related
11 to indicated or unfounded reports at the time of expunction
12 shall be disposed of in a manner deemed appropriate by the
13 department and pursuant to ss. 119.041 and 257.36(7).
14 Unfounded ~~and-indicated~~ reports shall only be indexed by the
15 name of the child to detect patterns of abuse or neglect.
16 Persons named in the unfounded or indicated reports shall not
17 be identified as alleged perpetrators. All information in the
18 central abuse registry and tracking system or other computer
19 systems or records shall be subject to the confidentiality
20 provisions in s. 415.51.

21 (d)1. Where it is shown that the record is inaccurate
22 or inconsistent with ss. 415.501-415.514, the department shall
23 amend or expunge the record. The department shall notify the
24 parent or guardian of the child, the child if appropriate, and
25 the alleged perpetrator if other than the child's parent or
26 guardian of what amendment is made to the record or of the
27 expunction of the record.

28 2. Subsequent to the completion of the department's
29 investigation, any alleged perpetrator of a confirmed report
30 may request the secretary to amend or expunge the case record
31 and all identifying information in the central abuse registry

1 and tracking system or other computer systems or records
2 pertaining to that report on the grounds that the record is
3 inaccurate or is being maintained in a manner inconsistent
4 with ss. 415.501-415.514.

5 3. Notice to the alleged perpetrator of a confirmed
6 report shall state that:

7 a. The report has been classified as confirmed;

8 b. The alleged perpetrator of a confirmed report may
9 be disqualified from working with children or the
10 developmentally disabled or from working in sensitive
11 positions involving the care of children, the developmentally
12 disabled, disabled adults, or aged persons;

13 c. The alleged perpetrator may request amendment or
14 expunction of the confirmed report, if the alleged perpetrator
15 does not agree with the classification;

16 d. The request by the alleged perpetrator for
17 amendment or expunction of the confirmed report must be
18 received by the department within 30 days after the alleged
19 perpetrator receives notice of the classification of the
20 report;

21 e. The alleged perpetrator can obtain more information
22 by calling the person whose name and telephone number are
23 provided in the notice; and

24 f. The failure to timely ask for amendment or
25 expunction means the alleged perpetrator agrees not to contest
26 the classification of the report.

27
28 Notice to the alleged perpetrator shall be sent by certified
29 mail.

30 4. Failure to respond within the time specified in
31 subparagraph 3. means that the alleged perpetrator agrees not

1 to contest the classification of the report. The alleged
2 perpetrator may within 1 year of the classification of the
3 report as confirmed request the department to set aside a
4 confirmed report where it can be shown that the failure to ask
5 for amendment or expunction was due to excusable neglect or
6 fraud. The standard for excusable neglect or fraud shall be
7 as provided in the Rules of Civil Procedure.

8 5. If the alleged perpetrator asks for amendment or
9 expunction, the secretary may amend or expunge the record. If
10 the secretary refuses or does not act within 30 days after
11 receiving such a request, the alleged perpetrator shall have
12 the right to an administrative hearing to contest whether the
13 record of the report should be amended or expunged. At the
14 chapter 120 hearing the department shall prove by a
15 preponderance of evidence that the perpetrator committed the
16 abuse or neglect. If the secretary refuses to amend or
17 expunge and the alleged perpetrator fails to timely ask for an
18 administrative hearing, the failure to timely ask shall mean
19 that the alleged perpetrator agrees not to contest the
20 secretary's decision and the findings of the confirmed report
21 of abuse or neglect. If the secretary refuses to amend or
22 expunge and the alleged perpetrator asks for an administrative
23 hearing and the department's classification is upheld, the
24 report shall remain as confirmed. Any person who is named in
25 an indicated report shall not have the right to challenge the
26 department's classification system through the department or
27 through an administrative hearing under chapter 120.

28 6. The confidentiality of the abuse or neglect report
29 shall, to the extent possible, be maintained during the
30 administrative hearing process. The administrative hearing
31 shall be closed, the administrative files shall be closed and

1 not disclosed to the public under s. 119.07(1), and any
2 identifying information in the recommended or final order
3 shall be deleted prior to publishing pursuant to chapter 120.

4 Section 14. Paragraphs (b) and (f) of subsection (1)
5 of section 415.505, Florida Statutes, are amended to read:

6 415.505 Child protective investigations; institutional
7 child abuse or neglect investigations.--

8 (1)

9 (b) For each report it receives, the department shall
10 perform an onsite child protective investigation to:

11 1. Determine the composition of the family or
12 household, including the name, address, date of birth age,
13 social security number, sex, and race of each child named in
14 the report; any siblings or other children in the same
15 household or in the care of the same adults; the parents or
16 other persons responsible for the child's welfare; and any
17 other adults in the same household.

18 2. Determine whether there is indication that any
19 child in the family or household is abused or neglected,
20 including a determination of harm or threatened harm to each
21 child; the nature and extent of present or prior injuries,
22 abuse, or neglect, and any evidence thereof; and a
23 determination as to the person or persons apparently
24 responsible for the abuse or neglect, including the name,
25 address, date of birth, social security number, sex, and race
26 of each person to be classified as an alleged perpetrator in a
27 confirmed report. An alleged perpetrator in a confirmed
28 report of abuse or neglect shall cooperate in the provision of
29 the required data for the identification and tracking system,
30 to the fullest extent possible.

1 3. Determine the immediate and long-term risk to each
2 child through utilization of standardized risk assessment
3 instruments if the child remains in the existing home
4 environment.

5 4. Determine the protective, treatment, and
6 ameliorative services necessary to safeguard and ensure the
7 child's well-being and development and cause the delivery of
8 those services through the early intervention of the
9 departmental worker responsible for provision and management
10 of identified services in order ,if possible, to preserve and
11 stabilize family life, if possible.

12 (f) No later than 30 days after receiving the initial
13 report, the local office of the department shall complete its
14 investigation, determine whether the reported abuse was
15 confirmed, indicated, or unfounded, and report its findings to
16 the department's central abuse registry and tracking system.

17 Section 15. Subsection (1) of section 415.5055,
18 Florida Statutes, is amended to read:

19 415.5055 Child protection teams; services; eligible
20 cases.--The department shall develop, maintain, and coordinate
21 the services of one or more multidisciplinary child protection
22 teams in each of the service districts of the department.
23 Such teams may be composed of representatives of appropriate
24 health, mental health, social service, legal service, and law
25 enforcement agencies.

26 (1) The department shall utilize and convene the teams
27 to supplement the protective investigation single-intake and
28 protective supervision services activities of the children,
29 youth, and families program of the department. Nothing in
30 this section shall be construed to remove or reduce the duty
31 and responsibility of any person to report pursuant to s.

1 415 504 all suspected or actual cases of child abuse or
2 neglect or sexual abuse of a child. The role of the teams
3 shall be to support activities of the program and to provide
4 services deemed by the teams to be necessary and appropriate
5 to abused and neglected children upon referral. The
6 specialized diagnostic assessment, evaluation, coordination,
7 consultation, and other supportive services that a child
8 protection team shall be capable of providing include, but are
9 not limited to, the following:

10 (a) Medical diagnosis and evaluation services,
11 including provision or interpretation of X rays and laboratory
12 tests, and related services, as needed, and documentation of
13 findings relative thereto.

14 (b) Telephone consultation services in emergencies and
15 in other situations.

16 (c) Medical evaluation related to abuse or neglect, as
17 defined by department policy or rule.

18 (d) Such psychological and psychiatric diagnosis and
19 evaluation services for the child or his parent or parents,
20 guardian or guardians, or other care givers, or any other
21 individual involved in a child abuse or neglect case, as the
22 team may determine to be needed.

23 (e) Short-term psychological treatment. It is the
24 intent of the Legislature that short-term psychological
25 treatment be limited to no more than 6 months' duration after
26 treatment is initiated, except that the appropriate district
27 administrator may authorize such treatment for individual
28 children beyond this limitation if the administrator deems it
29 appropriate.

30 (f) Expert medical, psychological, and related
31 professional testimony in court cases.

1 (g) Case staffings to develop, implement, and monitor
2 treatment plans for children whose cases have been referred to
3 the team. A child protection team may provide consultation
4 with respect to a child who has not been referred to the team,
5 but who is alleged or is shown to be abused, which
6 consultation shall be provided at the request of a
7 representative of the children, youth, and families program or
8 at the request of any other professional involved with a child
9 or his parent or parents, guardian or guardians, or other care
10 givers. In every such child protection team case staffing,
11 consultation, or staff activity involving a child, a children,
12 youth, and families program representative shall attend and
13 participate.

14 (h) Case service coordination and assistance,
15 including the location of services available from other public
16 and private agencies in the community.

17 (i) Such training services for program and other
18 department employees as is deemed appropriate to enable them
19 to develop and maintain their professional skills and
20 abilities in handling child abuse and neglect cases.

21 (j) Educational and community awareness campaigns on
22 child abuse and neglect in an effort to enable citizens more
23 successfully to prevent, identify, and treat child abuse and
24 neglect in the community.

25 Section 16. Subsection (2) of section 415 509, Florida
26 Statutes, is amended to read:

27 415.509 Responsibilities of public agencies with
28 respect to prevention, identification, and treatment of child
29 abuse and child neglect; educational and training programs.--

30 (2) The department shall, within available
31 appropriations, conduct a continuing publicity and education

1 program for district staff and officials required to report
2 and any other appropriate persons to encourage the fullest
3 degree of reporting of suspected child abuse or neglect. The
4 program shall include, but not be limited to, information
5 concerning the responsibilities, obligations, and powers
6 provided under ss. 415.502-415.514; the methods for diagnosis
7 of child abuse or neglect; and the procedures of the child
8 protective service program, the circuit court, and other duly
9 authorized agencies. In developing training programs for
10 district staff, the department shall place emphasis on
11 preservice and inservice training for protective investigation
12 ~~single-intake~~, protective supervision services, and foster
13 care staff which would include skills in diagnosis and
14 treatment of child abuse and neglect and procedures of the
15 child protective system and judicial process.

16 Section 17. Subsections (1), (4), (5), (6), and (7) of
17 section 415.51, Florida Statutes, are amended to read:

18 415.51 Confidentiality of reports and records in cases
19 of child abuse or neglect.--

20 (1) In order to protect the rights of the child and
21 his parents or other persons responsible for the child's
22 welfare, all records concerning reports of child abuse or
23 neglect, including reports made to the central abuse registry
24 and tracking system ~~and to local offices of the department~~ and
25 all records generated as a result of such reports, shall be
26 confidential and exempt from the provisions of s. 119.07(1)
27 and shall not be disclosed except as specifically authorized
by ss. 415.502-415.514. Such exemption from s. 119.07(1)
applies to information in the possession of those entities
30 granted access as set forth in this section.

1 (4) The department shall search its central abuse
2 registry and tracking system records pursuant to the
3 requirements of ss. 110.1127, 393.0655, 394.457, 396.0425,
4 397.0715, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and
5 959.06 for the existence of a confirmed report made on the
6 personnel as defined in the foregoing provisions. The search
7 shall also include indicated reports prior to July 1, 1987.
8 Reports prior to 1978 shall not be included. If the search
9 reveals an indicated report prior to July 1, 1987, the
10 department shall review the report to determine whether the
11 indicated report shall remain classified as indicated or shall
12 be classified as confirmed according to the definitions in s.
13 415.503. If the report remains classified as indicated, the
14 individual may not be disqualified. If the report is
15 classified as confirmed, the department shall notify the
16 individual according to the provisions of s. 415.504(4)(d).
17 The department shall report the existence of any confirmed
18 report of abuse and advise the authorized licensing agency,
19 applicant for license, or other authorized agency or person of
20 the results of the search, the date of the report, whether 30
21 days have elapsed for requests for expunction or amendment,
22 failure of the alleged perpetrator to respond pursuant to s.
23 415.504(4)(d), results of any hearing conducted by the
24 secretary and any subsequent administrative hearing, and in
25 the case of judicial determination of abuse, the procedure for
26 inspection of court records as set forth in s. 39.411(3). The
27 department shall not release any information on unfounded or
28 indicated reports. Prior to a search being conducted, the
29 department or its designee shall notify such person that an
30 inquiry will be made. The department shall notify each person
31

1 for whom a search is conducted of the results of the search
2 upon request.

3 (5) The department shall, with the written consent of
4 a person applying to a licensed child-placing agency for the
5 adoption of a child, search its central abuse registry and
6 tracking system for the existence of a confirmed report and
7 advise the licensed child-placing agency of any such report
8 found and the results of the investigation conducted pursuant
9 thereto, including whether 30 days have elapsed for requests
10 for expunction or amendment, failure of the alleged
11 perpetrator to respond pursuant to s. 415.504(4)(d), and
12 results of any hearing conducted by the secretary and any
13 subsequent administrative hearing held on the report.

14 (6) Except as provided in subsection (4), the
15 department shall, with the written consent of a person
16 applying to work with children as a volunteer or as a paid
17 employee for a public or private nonprofit agency, or for an
18 individual family, search its central abuse registry and
19 tracking system for the existence of a confirmed report and
20 shall advise such agency or family of any such report found
21 and the results of the investigation conducted pursuant
22 thereto, including whether 30 days have elapsed for requests
23 for expunction or amendment, failure of the alleged
24 perpetrator to respond pursuant to s. 415.504(4)(d), and
25 results of any hearing conducted by the secretary and any
26 subsequent administrative hearing held on the report.

27 (7) The name of any person reporting child abuse or
28 neglect shall not be released to any person other than
29 employees of the department responsible for child protective
30 services, the central abuse registry and tracking system, or
31 the appropriate state attorney without the written consent of

1 the person reporting. This does not prohibit the subpoenaing
2 of a person reporting child abuse or neglect when deemed
3 necessary by the state attorney or the department to protect a
4 child who is the subject of a report, provided the fact that
5 such person made the report is not disclosed. Any person who
6 reports a case of child abuse or neglect may, at the time he
7 makes the report, request that the department notify him that
8 a child protective investigation occurred as a result of the
9 report. The department shall mail such a notice to the
10 reporter within 10 days of the completion of the child
11 protective investigation.

12 Section 18. Section 415.511, Florida Statutes, is
13 amended to read:

14 415.511 Immunity from liability in cases of child
15 abuse or neglect.--

16 (1)(a) Any person, official, or institution
17 participating in good faith in any act authorized or required
18 by ss. 415.502-415.514 shall be immune from any civil or
19 criminal liability which might otherwise result by reason of
20 such action.

21 (b) Nothing contained in this section shall be deemed
22 to grant immunity, civil or criminal, to any person suspected
23 of having abused or neglected a child, or committed any
24 illegal act upon or against a child.

25 (2)(a) No resident or employee of a facility serving
26 children may be subjected to reprisal or discharge because of
27 his actions in reporting abuse or neglect pursuant to the
28 requirements of this section.

29 (b) Any person making a report under this section
30 shall have a civil cause of action for appropriate
31 compensatory and punitive damages against any person who

1 causes detrimental changes in the employment status of such
2 reporting party by reason of his making such report. Any
3 detrimental change made in the residency or employment status
4 of such person, including, but not limited to, discharge,
5 termination, demotion, transfer, or reduction in pay or
6 benefits or work privileges, or negative evaluations within a
7 prescribed period of time shall establish a rebuttable
8 presumption that such action was retaliatory.

9 Section 19. Subsection (2) of section 415.513, Florida
10 Statutes, is amended, and subsection (3) is added to said
11 section, to read:

12 415.513 Penalties for failing to report or preventing
13 another person from reporting, or disclosing confidential
14 information relating to, a case of child abuse or neglect;
15 penalties for making a false report.--

16 (2) Any person who knowingly and willfully makes
17 public or discloses any confidential information contained in
18 the central abuse registry and tracking system or in the
19 records of any child abuse or neglect case, except as provided
20 in ss. 415.502-415.514, is guilty of a misdemeanor of the
21 second degree, punishable as provided in s. 775.082, s.
22 775.083, or s. 775.084.

23 (3) Any person who knowingly and willfully makes a
24 false report of child abuse or neglect, or any person who
25 advises another to make a false report, is guilty of a
26 misdemeanor of the second degree, punishable as provided in s.
27 775.082, s. 775.083, or s. 775.084. Anyone making a report
28 who is acting in good faith is immune from any liability under
29 this subsection.

30 Section 20. Paragraph (a) of subsection (4) of section
31 959.06, Florida Statutes, is amended to read:

1 959.06 Departmental contracting powers.--

2 (4) Standards for screening shall also ensure that the
3 person:

4 (a) Has not been judicially determined to have
5 committed abuse or neglect against a child as defined in s.
6 39.01(2)-and-(30);

7 (b) Does not have a confirmed report of abuse,
8 neglect, or exploitation as defined in s. 415.102(5) which has
9 been uncontested or has been upheld pursuant to s.
10 415.504(4)(d);

11 (c) Does not have a confirmed report of abuse,
12 neglect, or exploitation as defined in s. 415.102(5) or s.
13 415.503(5) which has been uncontested or has been upheld
14 pursuant to the procedures provided in s. 415.103 or s.
15 415.504; or

16 (d) Has not committed an act which constitutes
17 domestic violence as defined in s. 741.30.

18 Section 21. This act shall take effect October 1,
19 1988.

HOUSE SUMMARY

Defines "protective investigation" and "protective investigator" for purposes of Department of Health and Rehabilitative Services protection of aged persons, disabled adults, and children from abuse, neglect, abandonment, and exploitation. Conforms duties of department program offices and service districts to reflect current terminology, responsibilities, and procedures.

Provides preference for placement of child with relatives over nonrelatives.

Renames the central abuse registry the central abuse registry and tracking system and provides for information to be obtained and tracked.

Provides standards and procedures for reports and for protective services investigations. Provides for confidentiality of certain information and provides for notification of district staff.

Provides penalties for disclosing confidential information or making false reports.

This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

Florida House of Representatives - 1988

By the Committees on Appropriations and Commerce and Youth
and Health & Rehabilitative Services and Representatives Davis,
Brown, Wallace, Crotty, Press, Reddick, Healey, Bloom, Mortham,
Hill, Tokin, Metcalf, Jennings, Hawkins, Drage, Friedman,
(Additional Sponsors on Last Printed Page)

A bill to be entitled

An act relating to prevention initiatives;
creating the "Family Policy Act"; establishing
a legislative goal; establishing provisions;
providing legislative intent with respect to
foster care; directing the Department of Health
and Rehabilitative Services to establish a
pilot program to provide assistance and
services to shelter and foster care homes and
to children placed in foster or shelter care;
providing procedures; providing for funding;
providing for evaluation; creating the Child
Care Partnership Act; providing legislative
intent; authorizing a grant program for private
employers that contribute to the cost of child
care for their employees' dependents; limiting
the grant that may be received; requiring
maintenance of records; providing that certain
support services are part of the cost of care
for purposes of the grant; providing that
salaries and wages used to compute grants may
not be used in computing certain other tax
credits; providing for rules; providing for a
report to the Office of the Governor and the
Legislature; amending s. 402.3195, F.S.;
extending the time period for the loan program
under the Child Care Facility Trust Fund;
amending s. 411.103, F.S.; providing a
definition; creating s. 411.1072, F.S.;
requiring the establishment of community
resource mother or father pilot programs by the

1 Department of Health and Rehabilitative
2 Services; providing for location of pilot
3 programs; providing for contracts; providing
4 criteria; authorizing the department to require
5 other criteria; requiring the department to
6 create a community resource mother or father
7 advisory committee; requiring the committee to
8 establish certain program guidelines in
9 conjunction with the department; establishing a
10 time limit for guideline development; providing
11 for per diem and travel expenses; providing for
12 terms and membership of committee; requiring
13 preservice and ongoing training; providing for
14 assignment of caseloads; providing for
15 supervision; providing for evaluation;
16 providing for a report; providing legislative
17 intent with respect to adolescent pregnancy;
18 authorizing establishment of Florida's Ounce of
19 Prevention Fund Corporation; providing powers
20 and duties with respect to programs to address
21 problems associated with adolescent pregnancy;
22 providing for a board of directors and staff;
23 providing for a report to the Legislature in
24 conjunction with the Department of Health and
25 Rehabilitative Services; creating s. 154.0105,
26 F.S.; providing for case management for
27 pregnant and parenting teenagers; providing for
28 contents and implementation of a plan for
29 services; authorizing contracts through county
30 public health units; providing duties of the
31 county public health unit or contracting

entity; providing duties of the Department of Health and Rehabilitative Services; amending s. 230.2316, F.S.; redefining "teenage parent programs"; providing additional program criteria; providing for funding and interagency cooperation and recommendations for child care services for teenage parents; amending s. 232.01, F.S.; modifying an exception to compulsory school attendance requirements; providing for attendance at alternative or adult education programs; amending s. 232.06, F.S.; modifying the child care exemption from compulsory school attendance requirements; amending s. 409.029, F.S.; providing for case management for certain pregnant and parenting teenagers under the Florida Employment Opportunity Act; providing for program monitoring and reports; providing for a media campaign; amending s. 20.19, F.S.; conforming duties of program offices and service districts of the Department of Health and Rehabilitative Services relating to abuse, neglect, abandonment, and exploitation of aged persons, disabled adults, and children to reflect changes in protective investigations and current responsibilities; amending s. 39.01, F.S.; providing definitions; amending s. 39.401, F.S.; conforming terminology and procedures to definitions and current practice; providing that priority consideration be given to relative placements over nonrelative

1 placements; amending s. 39.402, F.S.;
2 conforming terminology; amending s. 39.403,
3 F.S.; providing for protective investigation by
4 the department; amending s. 39.404, F.S.;
5 conforming terminology; amending s. 110.1127,
6 F.S., to change a cross-reference; amending s.
7 415.103, F.S.; renaming the central abuse
8 registry and requiring any report of abuse,
9 neglect, or exploitation to be handled by the
10 central abuse registry and tracking system;
11 delineating functions of the central abuse
12 registry and tracking system; providing for
13 notification of district staff; providing for
14 indexing of certain information; providing
15 confidentiality of reports in administrative
16 hearing process; amending s. 415.104, F.S.;
17 providing standards and procedures for reports
18 and for protective services investigations;
19 amending s. 415.107, F.S.; conforming
20 terminology and procedures; amending s.
21 415.111, F.S.; providing penalties for making
22 false reports; amending s. 415.503, F.S.;
23 providing definitions; amending s. 415.504,
24 F.S.; conforming terminology; requiring child
25 abuse and neglect reports to go to the central
26 abuse registry and tracking system; delineating
27 functions of the central abuse registry and
28 tracking system; providing procedures and time
29 frames for notification of district staff;
30 providing for indexing of certain information;
31 providing confidentiality of reports in the

administrative hearing process; amending s.
415.505, F.S.; providing standards and
procedures for reports and for protective
services investigations; amending ss. 415.5055,
415.509, and 415.51, F.S.; conforming
terminology; amending s. 415.507, F.S.,
relating to medical examinations of abused or
neglected children; amending s. 415.511, F.S.;
providing immunity from liability and
prohibiting reprisal against person reporting;
amending s. 415.513, F.S.; providing penalties
for making a false report; amending s. 959.06,
F.S., to change a cross-reference; amending s.
39.41, F.S., providing for court approval of
independent living arrangements for certain
foster children; requiring the disposition
order to provide reasons for nonrelative
placements and a determination that certain
efforts were made by the Department of Health
and Rehabilitative Services; providing
conditions; amending s. 39.442, F.S.,
correcting cross references; amending s.
39.452, F.S., clarifying time frames for
preparation and submission of permanent
placement plans; delineating persons to receive
a copy of the permanent placement plan;
specifying possible outcome of plans; requiring
a court review within 45 days of submission;
specifying elements of review; requiring
appointment of guardian ad litem under certain
circumstances; providing for amendment to the

1 plan; providing for parental request for court
2 review; amending s. 39.466, F.S., clarifying
3 when advisory hearings are held; providing time
4 frames for adjudicatory hearing; providing for
5 notice; amending s. 39.469, F.S., providing
6 clarification of term used; amending ss.
7 230.645, 240.235, and 240.35, F.S., providing
8 for fee exemptions under certain circumstances;
9 amending s. 240.36, F.S., correcting a cross
10 reference; amending s. 409.145, F.S., expanding
11 the categories of persons who may continue to
12 receive services in the children's foster care
13 program; amending s. 409.165, F.S., providing
14 for a continuum of independent living services
15 and providing for Department of Health and
16 Rehabilitative Services placement of a child in
17 an independent living situation under certain
18 conditions; authorizing use of state foster
19 care funds for establishment of an independent
20 living program for certain minors; providing
21 procedures; amending s. 409.175, F.S.,
22 requiring training of foster parents and
23 emergency shelter parents as a condition of
24 licensure; creating the Task Force on the
25 Future of the Florida Family to study current
26 laws relating to marriage and the family unit;
27 providing for membership, duties, and
28 operations of the task force; providing for
29 appointment of advisory persons and groups;
30 providing for utilization of staff and
31 resources of the Governor's Office and other

1 executive agencies and for cooperation and
2 consultation with legislative staff; providing
3 for repeal; creating a position entitled the
4 Statewide Coordinator for Substance Abuse
5 Prevention and Treatment; providing for
6 administrative placement; providing
7 responsibilities; directing the Department of
8 Health and Rehabilitative Services, the
9 Department of Education, the Department of
10 Corrections, the Department of Community
11 Affairs, and the Department of Law Enforcement
12 to appoint a policy level staff person as the
13 agency substance abuse coordinator; providing
for substance abuse prevention coordinators;
15 providing for a study on mandated insurance
16 coverage for substance abuse treatment
17 conducted by the Department of Insurance;
18 directing each state university and community
19 college to develop training programs; providing
20 effective dates.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. (1) Goal of Legislature; creation of
25 Family Policy Act.--The primary goal of the Legislature is to
26 protect, preserve, and enhance the stability and quality of
27 Florida's families through the funding of programs and
28 services, and the enforcement of laws and policies to prevent
29 family dysfunction and the loss of family independence. In
30 furtherance of this goal, there is created the "Family Policy
31 Act."

1 (2) This section shall take effect July 1, 1988, or
2 upon becoming a law, whichever occurs later.

3 Section 2. Provisions of Family Policy Act.--In order
4 to accomplish the goal of the Family Policy Act, the
5 Legislature shall seek to provide to all families of this
6 state the following:

7 (1) Access to safe, affordable housing.

8 (2) A safe and nurturing environment which will
9 preserve a sense of personal and family dignity.

10 (3) Adequate nutrition, shelter, and clothing.

11 (4) Effective treatment to address physical, social,
12 and emotional needs, regardless of geographical location.

13 (5) Protection from abuse, neglect, and exploitation.

14 (6) Equal opportunity and access to quality and
15 effective education which will meet the individual needs of
16 each family member and which will mobilize family strengths
17 into effective educational action through a comprehensive
18 partnership of the family, school, and community that
19 reinforces and enhances family skills, reinforces a caring
20 environment, and, where feasible, utilizes the school facility
21 as a center for community activity.

22 (7) Equal opportunity and access to recreation and
23 other community resources to develop individual abilities and
24 to enhance family unity.

25 (8) Opportunity for full-time employment for those
26 family members able to work, at a wage sufficient to maintain
27 family independence.

28 (9) Opportunity for economic independence both for
29 adult family members who are disabled and unable to work and
30 for elderly family members.

31

1 (10) This section shall take effect July 1, 1988, or
2 upon becoming a law, whichever occurs later.

3 Section 3. Shelter and foster care services to
4 dependent children.--

5 (1) It is the intent of the Legislature to:

6 (a) Facilitate the reunification of families or the
7 permanent placement of a child pursuant to parts III and IV of
8 chapter 39, Florida Statutes.

9 (b) Provide an environment that enhances the physical,
10 social, and emotional development of children in shelter and
11 foster care.

12 (c) Provide the necessary services and treatment
13 resources to meet the needs of children in shelter and foster
14 care.

15 (d) Provide incentives and procedures that facilitate
16 the recruitment and retention of quality shelter and foster
17 homes.

18 (e) Allow assistance to shelter and foster care homes
19 so that they may adequately provide for the proper care and
20 well-being of children without placing an unnecessary economic
21 burden on these homes.

22 (2) The Department of Health and Rehabilitative
23 Services shall establish a 2-year pilot program in one rural
24 and one urban county to provide the funding incentives and
25 resources to fully provide assistance and services to shelter
26 and foster homes and children in their care. The pilot
27 program shall:

28 (a) Make available for each child in shelter and
29 foster care discretionary financial resources of at least \$500
30 annually to meet his or her special needs, including, but not
31 limited to, the following:

- 1 1. Medical services.
- 2 2. Dental care.
- 3 3. Mental health services.
- 4 4. Accelerated family reunification services or other
- 5 permanency planning.
- 6 5. Specialized educational or vocational skills
- 7 services.
- 8 6. Social and recreational services.
- 9 7. Respite care services.
- 10 8. Advocacy services.
- 11 (b) Arrange for and provide specialized training for
- 12 foster and shelter parents to help care for the children
- 13 already in their home and to prepare them for the individual
- 14 needs of children pending placement. The goal of this
- 15 training is to provide quality care for the children in
- 16 placement, and may include, but is not limited to, the
- 17 following subject areas:
- 18 1. Supervision of specified illnesses, medical
- 19 conditions, and injuries that can be provided by trained
- 20 caregivers.
- 21 2. Behavior management and discipline.
- 22 3. Child care decisions.
- 23 4. Legal protections for abuse victims.
- 24 5. Foster parent participation in reunification or
- 25 other permanency planning efforts.
- 26 6. Understanding and caring for the sexually abused
- 27 child.
- 28 7. Handling the adolescent in temporary care.
- 29 (c) Provide to all shelter and foster care homes in
- 30 the pilot program:
- 31

- 1 1. Liability insurance coverage for damages and
- 2 injuries caused by children in their care pursuant to the
- 3 provisions of the State Institutions Claim Fund, s. 402.181,
- 4 Florida Statutes.
- 5 2. Regularly scheduled respite care or temporary
- 6 relief care by joint-selected and trained homemakers.
- 7 3. Assistance by direct service aides for transporting
- 8 children to medical and other appointments scheduled for the
- 9 children in their care.
- 10 (d) Make available to the shelter and foster care
- 11 units in the pilot program the following additional staff
- 12 resources:
- 13 1. Foster care staffing at 100 percent of need as
- 14 determined by the department's Workload Standards Study.
- 15 2. Intensive training on child growth and development,
- 16 abuse treatment needs, and permanency planning.
- 17 3. Other support assistance to pilot program staff as
- 18 needed to accelerate reunification or other permanency
- 19 planning decisions.
- 20 (3) The department shall develop a request for
- 21 proposal to include procedures and criteria for the
- 22 competitive acceptance of proposals from participating
- 23 districts. Each district seeking a pilot program pursuant to
- 24 this section shall submit to the department a proposal, as
- 25 specified in the request for proposal, which shall include,
- 26 but not be limited to, documentation of cooperative agreements
- 27 or support from local public or private agencies and
- 28 organizations for the pilot program. Upon approval of the
- 29 proposals, the department shall provide each pilot program
- 30 district the sufficient funds within appropriations made
- 31 available to establish the pilot program.

1 (4) The department is authorized to establish other
2 policy provisions which are necessary to achieve the
3 objectives specific to the pilot program.

4 (5) The department's Inspector General shall conduct
5 or contract for a comprehensive evaluation of the pilot
6 program. The evaluation report shall address the impact on
7 the child, population served, the effect on family
8 reunification and other permanency planning, the effect on
9 recruitment and retention of shelter homes and foster family
10 homes, cost, the impact of the provision of services to at-
11 risk families and children on the number of children entering
12 shelter care or foster care, the achievement of objectives and
13 recommendations for the expansion or modification of the pilot
14 programs to other districts.

15 Section 4. Section 5 of this act may be cited as the
16 "Child Care Partnership Act."

17 Section 5. Findings and intent; grant; limitation;
18 rules.--

19 (1)(a) The Legislature finds that when private
20 employers provide onsite child care or provide other child
21 care benefits, they benefit by improved recruitment and higher
22 retention rates for employees, lower absenteeism, and improved
23 employee morale. The Legislature also finds that there are
24 many ways in which private employers can provide child care
25 assistance to employees; information and referral,
26 vouchering, employer contribution to child care programs, and
27 onsite care. Private employers can offer child care as part
28 of a menu of employee benefits. The Legislature recognizes
29 that flexible compensation programs providing a child care
30 option are beneficial to the private employer through
31 increased productivity, to the private employee in knowing

1 that his or her children are being cared for in a safe and
2 nurturing environment, and to the state in more dollars being
3 available for purchasing power and investment.

4 (b) It is the intent of the Legislature to promote
5 public/private partnerships to ensure that the children of the
6 state be provided safe and enriching child care at any time,
7 but especially while parents work to remain self-sufficient.
8 It is the intent of the Legislature that private employers be
9 encouraged to participate in the future of this state by
10 providing employee child care benefits. Further, it is the
11 intent of the Legislature to encourage private employers to
12 explore innovative ways to assist employees to obtain quality
13 child care.

14 (2)(a) Any private employer contributing to the cost
15 of child care, which meets statutory requirements, for its
16 employees' dependents may apply for a Child Care Partnership
17 Act matching grant, in an amount equal to 50 percent of that
18 employer's expenditures for child care of Florida employees'
19 dependents. The amount of such grant shall not exceed the
20 maximum amount established in subsection (4). For the
21 purposes of this subsection, cost of child care includes, but
22 shall not be limited to, the per-child cost of operation of
23 onsite child care contributed to by the private employer, the
24 cost of care purchased by the private employer on behalf of
25 its employees, the cost of care provided by the private
26 employer to employees in the form of vouchers, and the costs
27 of support services as specified in paragraph (b).

28 (b) Private employers receiving child care matching
29 grants pursuant to paragraph (a) shall maintain complete
30 records of all child care expenditures made by the employer,
31 in which case the reimbursable cost of these services shall

1 not exceed 10 percent above the allowable contribution per
2 child. If a private employer elects to engage a third party
3 to maintain those records, the cost of such support services
4 as records, health services, referrals, and monitoring are
5 considered part of the cost of care.

6 (c) Salary reductions shall not be considered employer
7 contributions for purposes of this subsection.

8 (d) All amounts claimed as contributions under this
9 subsection shall be for care provided by a facility which
10 meets Florida licensing or other applicable requirements.

11 (e) Employer contributions shall not include that
12 portion of any child care service that is funded by state or
13 federal moneys.

14 (3) Any portion of salaries or wages used in computing
15 the contributions under this section shall not be used in
16 computing the credit provided under s. 220.181, Florida
17 Statutes.

18 (4) No private employer shall receive more than
19 \$100,000 in annual matching grants for contributions towards
20 the cost of child care.

21 (5) The Department of Health and Rehabilitative
22 Services shall promulgate any rules necessary for the
23 implementation and administration of this section. Grant
24 applications shall be processed on a first-come, first-served
25 basis, and the department shall administer the grant program
26 in such a fashion as to allow those qualifying private
27 employers ample knowledge and assurance of matching funds
28 prior to the employer's annual budgetary commitment. The
29 private employer shall certify to the department, within 30
30 days of receiving such notice, the existence of unencumbered
31 matching funds within its annual budget. Grant renewal for

1 those recipients who have demonstrated a proven ability to
2 comply with the requirements of this section and its
3 accompanying rules shall take precedence over first-time
4 applicants for a period of up to 3 years. The department
5 shall also submit to the Office of the Governor, the President
6 of the Senate, and the Speaker of the House of Representatives
7 a report on the number of private employers in Florida
8 receiving Child Care Partnership Act matching grants, the
9 amount of such grants, the overall effectiveness of the grant
10 program in providing private-employer-sponsored child care,
11 and the projected cost and benefits of extending and expanding
12 the grant program for a period of 5 years from the date of
13 effectiveness. This report shall be due April 1, 1989.

14 (6) This section shall take effect July 1, 1988, or
15 upon becoming a law, whichever occurs later.

16 Section 6. Effective July 1, 1988, subsection (9) of
17 section 402.3195, Florida Statutes, is amended to read:

18 402.3195 Legislative intent; definition; Child Care
19 Facility Trust Fund; loan program.--

20 (9) The lending authority granted to the department
21 under this section shall expire June 30, 1993 1988. All
22 unencumbered and repaid funds after this date shall revert and
23 be transferred to the General Revenue Fund of the state,
24 unallocated. Loan payments received in the fund after June
25 30, 1993 1988, shall revert and be transferred to the General
26 Revenue Fund, unallocated, as they are received.

27 Section 7. Effective July 1, 1988, subsections (1)
28 through (11) of section 411.103, Florida Statutes, are
29 renumbered as subsections (2) through (12), respectively, and
30 a new subsection (1) is added to said section, to read:

31

1 411.103 Definitions.--As used in ss. 411.101-411.108,
2 the term:

3 (1) "Community resource mother or father" means an
4 individual under contract with a program funded by the
5 Department of Health and Rehabilitative Services to provide
6 social support, parent training, assistance, and education to
7 high-risk pregnant women and handicapped or high-risk children
8 and their parents.

9 Section 8. Effective July 1, 1988, section 411.1072,
10 Florida Statutes, is created to read:

11 411.1072 Community resource mother or father
12 program.--

13 (1) The Department of Health and Rehabilitative
14 Services shall establish community resource mother or father
15 pilot programs. The purpose of the programs shall be to
16 demonstrate the benefits of utilizing community resource
17 mothers or fathers to improve maternal and child health
18 outcomes; to enhance parenting and child development,
19 including the educational enrichment of these children through
20 the promotion of increased awareness by their mothers and
21 fathers of their own strengths and potentials as home
22 educators; and to support family integrity through the
23 provision of social support; parent education and training;
24 and assistance to pregnant women and high-risk or handicapped
25 preschool children and their parents.

26 (2) Counties with high incidences of medically
27 underserved high-risk children, low birthweight, and infant
28 mortality shall be given priority for the establishment of the
29 community resource mother or father pilot programs.

30 (3) The Department of Health and Rehabilitative
31 Services shall select counties for pilot programs and shall

1 contract with county public health units, other public
2 agencies, not-for-profit agencies, or any combination thereof
3 to carry out the programs utilizing community resource mother
4 or father services.

5 (4) A community resource mother or father shall be an
6 individual who by residence and resources is able to identify
7 with the target population and shall meet the following
8 minimum criteria:

9 (a) Be at least 25 years of age.

10 (b) Be a mother or father.

11 (c) Be an AFDC recipient or person with income below
12 the federal poverty level or have an income equivalent to
13 community clients.

14 (5) The Department of Health and Rehabilitative
15 Services may, in addition to the criteria in subsection (4),
16 require other criteria to contract for community resource
17 mother or father services.

18 (6) The Department of Health and Rehabilitative
19 Services shall create a community resource mother or father
20 advisory committee within 45 days of this act becoming law to
21 monitor and advise the Department of Health and Rehabilitative
22 Services in the development of the community resource mother
23 or father program. The community resource mother or father
24 advisory committee shall guide the Department of Health and
25 Rehabilitative Services in the development of program
26 guidelines, the development of requests for proposals, the
27 selection of proposals, the establishment of evaluation
28 procedures, the provision of technical assistance to
29 individual projects, and the development of the program
30 evaluation report.

- 1 (7) The Department of Health and Rehabilitative
2 Services shall develop the guidelines within 90 days of this
3 act becoming law.
- 4 (8) Members of the community resource mother or father
5 advisory committee shall serve without compensation, but shall
6 be reimbursed for per diem and travel expenses in accordance
7 with s. 112.061.
- 8 (9) The members of the community resource mother or
9 father advisory committee shall serve terms of 3 years, and
10 shall not exceed 15 members and shall include:
- 11 (a) The chairperson of the Department of Community and
12 Family Health, College of Public Health, University of South
13 Florida, or a representative of a public or private university
14 department of public health who shall chair the committee;
- 15 (b) A state health officer;
- 16 (c) A representative from the Department of Health and
17 Rehabilitative Services Handicap Prevention Unit, the
18 Children's Medical Services Program Office, the Developmental
19 Services Program Office, the Children, Youth and Families
20 Program Office, and the Economic Services Program Office;
- 21 (d) A representative from the Developmental
22 Disabilities Planning Council;
- 23 (e) A representative from the Bureau of Education for
24 Exceptional Students, Florida Department of Education;
- 25 (f) A representative from the Interagency Council for
26 Infants and Toddlers;
- 27 (g) A county public health unit director;
- 28 (h) A county public health unit nurse or social
29 worker;

1 (i) A representative of a not-for-profit organization
2 which represents the rights of high-risk pregnant women, high-
3 risk children, or handicapped children and their parents;

4 (j) A representative from a home-based program,
5 administered through a school system, which uses
6 paraprofessional aides to train mothers of disadvantaged
7 preschoolers to work with their children in the home setting
8 not only to improve the educational capabilities of the
9 children, but also to improve bonding through positive
10 parent/child interaction and to improve both parenting skills
11 and parent self-worth; and

12 (k) A parent representative of the target population.

13 (10) Individuals under contract to provide community
14 resource mother or father services shall participate in
15 preservice and ongoing training as determined by the
16 Department of Health and Rehabilitative Services, in
17 consultation with the community resource mother or father
18 advisory council. A community resource mother or father shall
19 not be assigned a client caseload until all preservice
20 training requirements are completed.

21 (11) The community resource mother or father shall be
22 assigned a caseload established by the Department of Health
23 and Rehabilitative Services in consideration of geographic
24 distance, severity of problems on the caseload and skills
25 needed to address the problems. A plan shall be developed for
26 each case that includes at minimum:

27 (a) A statement of the high-risk pregnant woman's
28 problems or child's problems and needs.

29 (b) The goals and objectives of the intervention
30 program.

1 (c) The services to be provided by the community
2 resource mother or father.

3 (d) Community resources to be used.

4 (e) Schedule of visits between resource mothers or
5 fathers and clients.

6 (12) Supervision of the community resource mother or
7 father shall be the responsibility of the county public health
8 unit, other public agency or nonprofit agency under contract
9 to the department, whichever is appropriate, and may be
10 delegated to a community agency under contract.

11 (13) Evaluation of the pilot projects shall be the
12 responsibility of the Department of Health and Rehabilitative
13 Services with the advice and assistance of the community
14 resource mother or father advisory committee.

15 (14) A report shall be presented to the Governor, the
16 President of the Senate, the minority leader of the Senate,
17 the Speaker of the House of Representatives and the minority
18 leader of the House of Representatives by March 1, 1991,
19 evaluating the effectiveness of the community resource mother
20 or father program. The report shall include cost-
21 effectiveness data and recommendations for its continuation or
22 discontinuation.

23 Section 9. Florida's Ounce of Prevention Fund
24 Corporation Act.--

25 (1) SHORT TITLE.--This section may be cited as
26 "Florida's Ounce of Prevention Fund Corporation Act."

27 (2) LEGISLATIVE INTENT.--The Legislature finds and
28 declares that the personal and public costs resulting from
29 unintended and untimely adolescent parenthood are too great to
30 ignore. Adolescent pregnancy is a concern because it
31 interrupts and often forestalls the adolescent's transition to

1 adulthood. Discontinued education, reduced employment
2 opportunities, unstable marriages (if they occur at all), low
3 incomes, and heightened health and developmental risks to the
4 children of adolescent mothers are a few of the most obvious
5 and immediate personal costs. Sustained poverty, frustration,
6 and hopelessness are all too often the long-term outcomes. It
7 is the intent of the Legislature that a nonprofit corporation,
8 to be known as "Florida's Ounce of Prevention Fund
9 Corporation," be organized for the purpose of preventing
10 family problems that can result in child abuse and neglect,
11 infant mortality, delayed development in children, and
12 repeated cycles of teenage pregnancy and parenthood.

13 (3) CORPORATION AUTHORIZATION; DUTIES; POWERS.--

14 (a) There is authorized the Florida's Ounce of
15 Prevention Fund Corporation. The corporation shall be
16 operated as a not-for-profit corporation.

17 (b) The corporation shall:

18 1. Provide for community-based programs for preteens,
19 young parents, and their families by fostering positive values
20 that will result in families raising strong and healthy
21 children.

22 2. Develop, monitor, and evaluate projects designed to
23 address problems associated with repeated cycles of teenage
24 pregnancy and parenthood.

25 3. Conduct research to aid in identifying causes and
26 potential solutions to teenage pregnancy.

27 4. Develop prevention programs that shall include, but
28 not be limited to, developmental screening, child-parent
29 enrichment programs, early childhood education, parent
30 education, group and individual counseling, family support,
31 activities designed to provide youth with alternatives to

1 sexual involvement, educational and vocational skill building,
2 job placement, home visiting, prenatal and well child care,
3 mental health and developmental disabilities services,
4 developmental day care, and community education.

5 5. Provide training and technical assistance to enable
6 community organizations such as churches, social service
7 agencies, health clinics, schools, and other organizations to
8 carry out prevention programs.

9 6. Provide, in conjunction with the Department of
10 Health and Rehabilitative Services, an interim report to the
11 Legislature by March 1, 1989, on the results of the program to
12 date.

13 7. Secure staff necessary to properly administer the
14 corporation. Staff costs shall be funded from grant funds and
15 state and private donations. The board of directors is
16 authorized to determine the number of staff necessary to
17 administer the corporation, but the staff shall include, at a
18 minimum, an executive director, an assistant director, and a
19 staff assistant.

20 8. Work in cooperation with and coordinate with those
21 projects and activities associated with the Dropout Prevention
22 Act and the Florida Employment Opportunity Act.

23 (c) The corporation, which shall be operated as a
24 nonprofit private corporation organized pursuant to chapter
25 617, Florida Statutes, shall have all powers necessary or
26 convenient to carry out and effectuate the purposes and
27 provisions of this section, including, but not limited to, the
28 power to receive and accept grants, loans, and advances of
29 funds from any public or private agency, for, or in aid of,
30 the purposes of this section, and to receive and accept
31 contributions, from any source, of money, property, labor, or

any other thing of value, to be held, used, and applied for
said purposes.

(d) The Legislature may designate, through the
allocation process, funding to support the activities of the
corporation.

(4) BOARD OF DIRECTORS.--

(a) Florida's Ounce of Prevention Fund Corporation
shall operate subject to the supervision and approval of a
nine-member board of directors.

(b) The board of directors shall be appointed and may
be removed by the Governor. Terms of appointment shall be for
3 years. The board shall appoint the executive director, who
shall be responsible for other staff as authorized by the
board.

(c) Board members may be reimbursed from funds of the
corporation for actual and necessary expenses incurred by them
as members, as provided in s. 112.061, Florida Statutes, but
shall not otherwise be compensated for their services.

(d) There shall be no liability on the part of, and no
cause of action of any nature shall arise against, any member
of the board, or its employees or agents, for any action taken
by them in performance of their powers and duties under this
section.

(5) This section shall take effect upon becoming a
law.

Section 10. Section 154.0105, Florida Statutes, is
created to read:

154.0105 Case management for pregnant and parenting
teenagers.--Pregnant and parenting teenagers not served under
s. 409.029 as implemented by the Department of Health and

1 Rehabilitative Services shall be served in accordance with
2 provisions set forth in this section.

3 (1) INTENT.--The Legislature recognizes that there is
4 a serious teenage pregnancy problem in Florida. The
5 Legislature further recognizes that teenage pregnancy and
6 motherhood are the primary causes of dropping out of school
7 among adolescent girls. It is the intent of the Legislature
8 to supplement dropout prevention services through the
9 establishment of a case management system to coordinate
10 existing available services on an individual level.

11 (2) CASE MANAGEMENT.--An individual case manager in a
12 case management system has the primary responsibility for the
13 planning and delivery of services, either through direct
14 service provision or referral. It is the responsibility of
15 the case manager to devise an integrated service plan and to
16 coordinate the efforts of service providers to ensure that
17 client needs are met without duplication.

18 (3) ELIGIBILITY.--This program is available for all
19 pregnant and parenting teenagers, but priority shall be
20 directed to serving disadvantaged youth. Referrals to the
21 program shall be requested and taken from classroom teachers,
22 programs of the department, county public health units,
23 hospitals, and other appropriate service providers.

24 (4) PROGRAM PLANNING AND IMPLEMENTATION.--

25 (a) County public health units shall contract for or
26 provide case management services for pregnant and parenting
27 teenagers not served under s. 409.029 as implemented by the
28 Department of Health and Rehabilitative Services, through the
29 county public health units programs authorized in s. 154.011.

30 (b) Services shall be made available and easily
31 accessible to pregnant and parenting teenagers in all counties

1 in the state if sufficient funds are appropriated to provide
2 for statewide implementation. If funds are limited, the case
3 management system and services shall be implemented on a pilot
4 basis in one or more counties, with priority being given to
5 counties with a demonstrated need for such assistance. The
6 Department of Health and Rehabilitative Services shall select
7 the county or counties to be funded based upon the county
8 public health unit's expressed interest in participation, the
9 demonstrated need for assistance, and the availability of
10 resources.

11 (c) The case manager, in conjunction with the pregnant
12 or parenting teenager and, if possible, the family of the
13 pregnant or parenting teenager, shall in a timely manner
14 develop a plan for services.

15 (d) The plan for services shall identify the needs of
16 the teenager, the child, and the parents, guardian, or legal
17 custodian of the teenager and shall contain a statement of the
18 problems, the measurable objectives that address the
19 identified needs and problems, the time frames for achieving
20 the objectives, and the services and treatment to be provided,
21 including the type, frequency, and location of services and
22 treatment and the accountable service providers or staff.

23 (e) Upon receipt of the plan, the teenager and family
24 shall acknowledge their position by accepting or rejecting the
25 services and provisions in writing. If the plan is accepted,
26 it shall be implemented as soon as is practicable.

27 (f) The case manager shall be responsible for
28 implementing the plan. The case manager shall periodically
29 review the progress towards achieving the objectives of the
30 plan in order to make adjustments to the plan, or terminate
31

1 the case as indicated by successful or substantial achievement
2 of the objectives of the plan.

3 (g) The case manager shall coordinate with staff
4 responsible for implementing s. 409.029 to ensure that all
5 pregnant and parenting teenagers are being served and there is
6 no duplication of services.

7 (h) The county public health unit or contracting
8 entity, if contracted, shall establish local interagency
9 councils or expand an existing council. Local councils shall
10 include all service providers to pregnant teenagers and
11 teenage parents, as well as teenage parent representatives.
12 The local teenage parent council shall guide the contractor in
13 ensuring support and case management for teenage parents and
14 pregnant teenagers.

15 (i) The county public health unit or contracting
16 entity, if contracted, shall survey the community in each
17 program location to determine the kinds and number of services
18 available in that locality for pregnant teenagers and teenage
19 mothers.

20 (j) The county public health unit or contracting
21 entity, if contracted, shall review census tract and other
22 available local demographic information to determine areas
23 within each county with high incidences of teenage pregnancy.

24 (5) CONTRACTS.--Contracts for case management shall
25 comply with the provisions of chapter 287. The contracting
26 entity shall send quarterly reports to the contract manager
27 containing information regarding the number of clients served
28 and the types of services provided.

29 (6) DUTIES OF DEPARTMENT.--The Department of Health
30 and Rehabilitative Services shall:

31

(a) Measure and report client outcome and program effectiveness for teenage case management service contracts.

(b) Provide operational definitions of and criteria for client outcome and program effectiveness for the case management program.

(c) Establish goals and objectives for the case management program.

(d) Develop the information and specific data elements required for the management of client-outcome measures.

(e) Develop a program-specific, standardized terminology and procedures manual to be followed by staff of the case management program. The procedures shall include standard formats for the collection of data with clearly defined documentation requirements.

(f) Develop procedures to analyze client-outcome data in relation to program process.

(7) RECORDKEEPING.--The county public health unit or contracting entity, if contracted, shall keep records regarding the services provided to clients. If contracted, these records shall be open to the contract manager.

Section 11. Paragraph (c) of subsection (3) and paragraph (b) of subsection (4) of section 230.2316, Florida Statutes, are amended to read:

230.2316 Dropout prevention.--

(3) DEFINITIONS.--As used in this section, the term:--

(c) "Teenage parent programs" means educational programs which are designed to provide a specialized curriculum, specialized services, or both, and other services to meet the unique needs of individual students who are pregnant or students who are parents.

1 (4) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.--All
2 programs funded pursuant to the provisions of this section
3 shall be positive and shall reflect strong parental and
4 community involvement. In addition, specific programs shall
5 meet the following criteria:

6 (b) Teenage parent programs.--

7 1. The program shall provide pregnant students or
8 students who are parents with the option of participating in
9 regular classroom activities or enrolling in a special program
10 designed to meet their needs pursuant to s. 232.01. Students
11 participating in teenage parent programs shall be exempt from
12 minimum attendance requirements for absences related to
13 pregnancy, child care, or illness of their children, but shall
14 be required to make up work missed due to absence.

15 2. The program shall stress the self worth and self-
16 respect of each student; the values of abstinence from sexual
17 activity; the health and worth of each student and his or her
18 child; and the opportunity for education, employment, and a
19 fulfilling life.

20 3.2- The curriculum shall include instruction or
21 counseling in such topics as prenatal and postnatal health
22 care, parenting skills, and child growth and development.

23 4.3- Ancillary services such as child care, health
24 care, social services, and transportation may-be-provided
25 through-the-coordination-of-existing-programs-and-services-
26 shall be provided within available resources to pregnant
27 teenagers or teenage parents, based on needs to continue
28 school or to ensure a healthy pregnancy, through coordination
29 with the Department of Health and Rehabilitative Services and
30 other service providers. If funds are limited, priority shall
31 be directed to serving pregnant teenagers and teenage parents

1 who receive or qualify for public assistance, or who have been
2 determined by the local educational agency to be at risk for
3 dropping out of school if the necessary supports and services
4 are not provided, thereby making them potentially eligible for
5 public assistance.

6 5. Teenage parent programs may receive state funding
7 to offer educational programs to infants and preschool
8 children of teenage parents who are students, provided the
9 lack of available child care prohibits teenage parents from
10 continuing their education. Such programs may be supported
11 and maintained from Prekindergarten Early Intervention Program
12 funds pursuant to s. 228.061, or district funds, tuition
13 charges, and such funds as may be available from federal or
14 other sources as provided by law. District school boards
15 shall coordinate with the Department of Health and
16 Rehabilitative Services in the development of child care
17 programs.

18 6. The Departments of Education and Health and
19 Rehabilitative Services shall jointly develop a procedure for
20 sharing the efficient use of state resources in the provision
21 of prekindergarten and child care services for teenage
22 parents. In addition, shared procedures for the provision of
23 health care, parent education, transportation, and social
24 services shall be considered. Representatives from the
25 Departments of Education and Health and Rehabilitative
26 Services, the district school boards, the State Advisory
27 Council on Early Childhood Education, the State Advisory
28 Council on Child Day Care, and the Interagency Office of
29 Prevention shall jointly develop recommendations and present
30 them to the President of the Senate, the Speaker of the House
31 of Representatives, and the Governor by January 1, 1989. Such

1 recommendations shall include needed statutory and
2 programmatic changes to further the coordination of child care
3 services for teenage parents.

4 Section 12. Paragraph (d) of subsection (1) of section
5 232.01, Florida Statutes, is amended, and paragraph (f) is
6 added to said section, to read:

7 232.01 Regular school attendance required between ages
8 of 6 and 16; permitted at age of 5; exceptions.--

9 (1)

10 (d)1. This section shall not apply to students who are
11 pregnant; however, a student who is a parent may be exempt
12 under provisions of s. 232.06, excluding persons who are
13 required to participate in education and training activities
14 mandated by s. 409.029.

15 2. Students who become or have become married and
16 students who are pregnant shall not be prohibited from
17 attending school. These students and students who are parents
18 shall receive the same educational instruction or its
19 equivalent as other students, but may voluntarily be assigned
20 to a class or program suited to their special needs.

21 (f) Pregnant students may attend alternative education
22 programs or adult education programs, provided the curriculum
23 allows the student to continue to work toward a high school
24 diploma.

25 Section 13. Subsection (4) of section 232.06, Florida
26 Statutes, is amended to read:

27 232.06 Certificates of exemptions authorized in
28 certain cases.--Children within the compulsory attendance age
29 limits who hold valid certificates of exemption which have
30 been issued by the superintendent shall be exempt from
31 attending school. A certificate of exemption shall cease to

1 be valid at the end of the school year in which it is issued.
2 Children entitled to such certificates and the conditions upon
3 which they may be issued are as follows:

4 (4) CHILD CARE EXEMPTION.--A parent who has requested
5 child care services from the district school board and the
6 Department of Health and Rehabilitative Services and is unable
7 to find appropriate child care for his or her child does not
8 have access to child care.

9 Section 14. Subsection (10) of section 409.029,
10 Florida Statutes, is amended to read:

11 409.029 Florida Employment Opportunity Act.--

12 (10) CASE MANAGEMENT.--

13 (a) Case management shall include the development,
14 with the participant, of an employment plan contract;
15 performing or arranging for needed assessments; providing
16 assistance in obtaining support services; brokering access to
17 job training and education and arranging for services;
18 monitoring progress in the program components; providing
19 assistance to the participant at any time during the
20 participation; requesting sanctioning for noncompliance; and
21 providing assistance in maintaining continued support services
22 when the participant moves into unsubsidized employment. Case
23 management shall ensure that all necessary program components
24 and services are being made available to the participant and
25 that any difficulties are addressed at the onset to provide
26 for the smoothest transition from assistance to self-
27 sufficiency for the participant.

28 (b) Pregnant and parenting teenagers not served by
29 this section shall be served by county public health units in
30 accordance with provisions set forth in s. 154.0105. Case
31 managers of the Department of Health and Rehabilitative

1 Services shall coordinate with other case managers to ensure
2 all pregnant and parenting teenagers are being served and
3 there is no duplication of services.

4 Section 15. Program monitoring; reports.--The
5 Interagency Office of Prevention, established pursuant to ss.
6 411.104 and 411.105(4), shall monitor the implementation of
7 sections 10 through 14 of this act and shall report to the
8 Legislature annually on the progress of county programs in
9 coordinating with all state agencies that provide services to
10 pregnant teenagers and teenage parents. The advisory group to
11 the interagency prevention unit shall at all times include
12 experts on teenage pregnancy from district school boards and
13 the Departments of Education and Health and Rehabilitative
14 Services.

15 Section 16. Media campaign.--

16 (1) The Legislature recognizes that the sexual
17 behavior of teenagers is influenced by the permissive messages
18 relayed by the media. The Legislature further recognizes the
19 importance of preventive measures in addressing the problem of
20 teenage pregnancy. It is the intent of the Legislature to
21 authorize a media campaign to counteract such permissive
22 messages and encourage youth to delay sexual activity.

23 (2) The Department of Health and Rehabilitative
24 Services shall request proposals according to the provisions
25 of chapter 287, Florida Statutes, for a media campaign to
26 encourage responsible teenage attitudes regarding sexual
27 behavior and to encourage youth to delay sexual activity. The
28 media campaign shall target areas of the state with high
29 incidences of teenage pregnancy and shall be appropriate to
30 the teenage culture in these areas. The campaign shall have
31 separate messages for females and males.

1 (3) The contract for the media campaign shall be
2 awarded competitively through procedures specified in chapter
3 287, Florida Statutes.

4 Section 17. Subparagraph 2. of paragraph (a) of
5 subsection (4) and subparagraph 3. of paragraph (c) of
6 subsection (5) of section 20.19, Florida Statutes, are amended
7 to read:

8 20.19 Department of Health and Rehabilitative
9 Services.--There is created a Department of Health and
10 Rehabilitative Services.

11 (4) ASSISTANT SECRETARIES.--The secretary shall
12 appoint an Assistant Secretary for Programs and an Assistant
13 Secretary for Administration, each of whom shall serve at the
14 pleasure of, and be directly responsible to, the secretary.
15 The secretary shall appoint a Deputy Assistant Secretary for
16 Programs, a Deputy Assistant Secretary for Regulation and
17 Health Facilities, a Deputy Assistant Secretary for Medicaid,
18 and a Deputy Assistant Secretary for Health, each of whom
19 shall serve at the pleasure of the secretary and shall be
20 directly responsible to the Assistant Secretary for Programs.

21 (a) The Assistant Secretary for Programs shall have
22 responsibility for general statewide supervision of the
23 administration of service programs operated by the department
24 and such other program development and planning duties as are
25 assigned to him by the secretary. "General statewide
26 supervision of the administration of service programs" means
27 service program development and planning; program research;
28 identifying client needs and recommending solutions and
29 priorities; developing client service programs, including the
30 policies and standards therefor; providing technical
31 assistance to the district administrators; assisting the

1 district administrators in staff development and training;
2 reviewing and monitoring district-level program operations;
3 assuring compliance with statewide program standards and
4 performance criteria; monitoring uniform program quality among
5 districts; developing funding sources external to state
6 government; and obtaining, approving, monitoring, and
7 coordinating research and program development grants; but does
8 not involve line authority over any health or human services
9 program operation of the department, including the management
10 of institutions and residential treatment programs.

11 2. The following program offices are established and
12 may be consolidated, restructured, or rearranged by the
13 secretary; provided any such consolidation, restructuring, or
14 rearranging shall be for the purpose of encouraging service
15 integration through more effective and efficient performance
16 of the program offices or parts thereof:

17 a. Children's Medical Services Program Office.--The
18 responsibilities of this office encompass all children's
19 medical services programs operated by the department.

20 b. Economic Services Program Office.--The
21 responsibilities of this office encompass all income support
22 programs within the department, such as aid to families with
23 dependent children (AFDC), food stamps, and state
24 supplementation of the supplemental security income (SSI)
25 program.

26 c. Developmental Services Program Office.--The
27 responsibilities of this office encompass programs operated by
28 the department for developmentally disabled persons.
29 Developmental disabilities include any disability defined in
30 s. 393.063.

31

1 d. Aging and Adult Services Program Office.--The
2 responsibilities of this office encompass all aging and adult
3 programs operated by the department.

4 e. Children, Youth, and Families Program Office.--The
5 responsibilities of this program office encompass intake
6 services for dependent-and delinquent children, families in
7 need of services and children in need of services programs and
8 protective investigation services for abandoned, abused, and
9 neglected children; interstate compact on the placement of
10 children programs; children's protective services; adoption;
11 child care; foster care programs; specialized services to
12 families; all programs operated by the department relating to
13 delinquent children; and related mental health services for
14 children and youth in coordination with the Alcohol, Drug
15 Abuse, and Mental Health Program Office.

16 f. Alcohol, Drug Abuse, and Mental Health Program
17 Office.--The responsibilities of this office encompass all
18 alcohol, drug abuse, and mental health programs operated by
19 the department except those programs for children and youth
20 which shall be handled in coordination with the Children,
21 Youth, and Families Program Office. In addition, the
22 responsibility for adult forensic programs shall be located
23 within this office.

24 (5) SERVICE DISTRICTS.--

25 (c) The duties of the district administrator shall
26 include, but are not limited to:

27 3. Applying standard information, referral, intake,
28 diagnostic and evaluation, and case management procedures
29 established by the secretary. Such procedures shall include
30 an a-single intake system for delinquency, families in need of
31 services and children in need of services programs, and a

1 protective investigation system for dependency programs
2 serving abandoned, abused, and neglected children and
3 dependency-juvenile-programs.

4 Section 18. Subsections (26) and (27) of section
5 39.01, Florida Statutes, are amended, and subsections (55) and
6 (56) are added to said section, to read:

7 39.01 Definitions.--When used in this chapter:

8 (26) "Intake" means the acceptance of a law
9 enforcement report or complaint of delinquency, family in need
10 of services, or child in need of services and the screening
11 thereof to determine whether action by the court is warranted,
12 the disposition of the report or complaint without court or
13 public agency action when appropriate, the referral of the
14 child to another public or private agency when appropriate,
15 and the recommendation by the intake officer of court action
16 when appropriate.

17 (27) "Intake officer" means the authorized agent of
18 the department performing the intake function for a child
19 alleged to be delinquent or-dependent, in need of services,
20 or from a family in need of services.

21 (55) "Protective investigation" means the acceptance
22 of a report alleging child abuse or neglect, as defined in s.
23 415.503, by the central abuse registry and tracking system or
24 the acceptance of a report of other dependency by the local
25 children, youth, and families office of the department; the
26 investigation and classification of each report; the
27 determination of whether action by the court is warranted; the
28 determination of the disposition of each report without court
29 or public agency action when appropriate; the referral of a
30 child to another public or private agency when appropriate;

1 and the recommendation by the protective investigator of court
2 action when appropriate.

3 (56) "Protective investigator" means an authorized
4 agent of the department who receives, investigates, and
5 classifies reports of child abuse or neglect as defined in s.
6 415.503; who, as a result of the investigation, may file a
7 dependency petition for the child under the criteria of
8 paragraph (10)(a); and who performs other duties necessary to
9 carry out the required actions of the protective investigation
10 function.

11 Section 19. Subsections (2) and (3) of section 39.401,
12 Florida Statutes, are amended to read:

13 39.401 Taking a child alleged to be dependent into
14 custody.--

15 (2) If the person taking the child into custody is not
16 a protective investigator an-intake-officer, he shall:

17 (a) Release the child to a parent, guardian, legal
18 custodian, responsible adult approved by the court when
19 limited to temporary emergency situations, responsible adult
20 relative who shall be given priority consideration over a
21 nonrelative placement, or responsible adult approved by the
22 department; within 3 days following such release, the person
23 taking the child into custody shall make a full written report
24 to the protective investigation intake office of the
25 department for cases involving allegations of abandonment,
26 abuse, or neglect or to the appropriate service unit of the
27 local children, youth, and families office within the
28 department for other dependency cases within-3-days; or

29 (b) Deliver the child to a protective investigator an
30 intake-officer of the department, stating the facts by reason
31 of which the child was taken into custody and sufficient

1 information to establish probable cause that the child is
2 ~~abandoned, abused, or neglected~~ dependent, and make a full
3 written report to the protective investigation intake office
4 of the department within 3 days. For any other dependent
5 child, deliver the child to the appropriate service unit of
6 the local children, youth, and families office within the
7 department and provide the required report to that unit
8 office.

9 (3) If the child is taken into custody by, or is
10 delivered to, a protective investigator an-intake-officer, the
11 protective investigator intake-officer shall review the facts
12 and make such further inquiry as necessary to determine
13 whether the child should remain in custody or be released.
14 Unless shelter is required as provided in s. 39.402(1), the
15 protective investigator intake-officer shall:

16 (a) Release the child to his parent, guardian, legal
17 custodian, a responsible adult relative who shall be given
18 priority consideration over a nonrelative placement, or a
19 responsible adult approved by the department; or

20 (b) Authorize placement of a housekeeper/homesaker
21 caretaker/homesaker in the home of a child alleged to be
22 dependent until the parent or legal custodian assumes care of
23 the child.

24 Section 20. Subsections (3) and (4) and paragraph (b)
25 of subsection (8) of section 39.402, Florida Statutes, are
26 amended to read:

27 39.402 Placement in a shelter.--

28 (3) If the protective investigator intake-officer
29 determines that placement in a shelter is necessary according
30 to the provisions of subsections (1) and (2), the protective
31 investigator intake-officer shall authorize placement of the

1 child in a shelter and shall immediately notify the parents or
2 legal custodians that the child was taken into custody.

3 (4) If the child is alleged to be both dependent and
4 delinquent, the protective investigator intake-officer may
5 authorize either placement in a shelter pursuant to this
6 section or detention pursuant to s. 39.032.

7 (5)

8 (b) In the interval until the detention hearing is
9 held pursuant to paragraph (a), the decision as to placement
10 in a shelter or release of the child from a shelter shall lie
11 with the protective investigator intake-officer in accordance
12 with subsection (3).

13 Section 21. Section 39.403, Florida Statutes, is
14 amended to read:

15 39.403 Protective investigation Intake.--

16 (1) Protective investigation Intake shall be performed
17 by the department. A report or complaint alleging that a
18 child is dependent as a result of child abuse or neglect as
19 defined in s. 415.503 shall be made to the central abuse
20 registry and tracking system. Complaints alleging that a
21 child is dependent on any basis other than as a result of
22 child abuse or neglect as defined in s. 415.503 shall be made
23 to the local children, youth, and families office of the
24 department shall-be-made-to-the-intake-office operating in the
25 county in which the child is found or in which the case arose.
26 Any person or agency having knowledge of the facts may make a
27 report or complaint. The complainant shall furnish the
28 protective investigation office or the appropriate service
29 unit of the local children, youth, and families office of the
30 department, whichever is appropriate, intake-office facts

31

1 sufficient to establish the jurisdiction of the court and to
2 support a finding by the court that the child is dependent.

3 (2) The protective investigator intake-officer shall
4 make a preliminary determination as to whether the report or
5 complaint is complete, consulting with the state attorney or
6 assistant state attorney when necessary. In any case in which
7 the protective investigator intake-officer or the state
8 attorney finds that the report or complaint is incomplete, the
9 protective investigator intake-officer or state attorney shall
10 return the report or complaint without delay to the person or
11 agency originating the report or complaint or having knowledge
12 of the facts or to the appropriate law enforcement agency
13 having investigative jurisdiction and request additional
14 information in order to complete the report or complaint;
15 however, the confidentiality of any report filed in accordance
16 with ss. 415.502-415.514 shall not be violated.

17 (a) If the protective investigator intake-officer
18 determines that the report or complaint is complete, he may,
19 after determining that such action would be in the best
20 interests of the child, file a petition for dependency.

21 (b) If the protective investigator intake-officer
22 determines that the report or complaint is complete, but that
23 in his judgment the interest of the child and the public will
24 be best served by providing the child care or other treatment
25 voluntarily accepted by the child and his parents or legal
26 custodians, the protective investigator intake-officer may
27 refer the child for such care or other treatment.

28 (c) If the protective investigator intake-officer
29 refuses to file a petition for dependency, the complainant
30 shall be advised of his right to file a petition pursuant to
31 this part.

1 Section 22. Subsections (3) and (6) of section 39.404,
2 Florida Statutes, are amended to read:

3 39.404 Petition for dependency.--

4 (3) When the child has been taken into custody, a
5 petition alleging dependency shall be filed within 7 days of
6 the date the child is taken into custody. In all other cases,
7 the petition shall be filed within a reasonable time after the
8 date the child was referred to protective investigation intake
9 pursuant to s. 39.403.

10 (6) When a petition for dependency has been filed and
11 the parents or custodians of the child have advised the
12 protective investigation intake office that the truth of the
13 allegations is acknowledged and that no contest is to be made
14 of the adjudication, the protective investigator intake
15 officer may set the case before the court for an adjudicatory
16 hearing. Neither the state attorney nor an assistant state
17 attorney shall be required to be present at the adjudicatory
18 hearing. Should there be a change in the plea at this
19 hearing, the court shall continue the hearing to permit the
20 state attorney to prepare and present the case for the state.

21 Section 23. Paragraph (a) of subsection (3) of section
22 110.1127, Florida Statutes, is amended to read:

23 110.1127 Employee security checks.--

24 (3)(a) Within the Department of Health and
25 Rehabilitative Services, all positions in programs providing
26 care to children or the developmentally disabled for 15 hours
27 or more per week are deemed to be positions of special trust
28 or responsibility, and a person shall be disqualified for
29 employment in any such position by reason of:

30 1. Having been found guilty of, regardless of
31 adjudication, or having entered a plea of nolo contendere or

- 1 guilty to, any offense prohibited under any of the following
2 provisions of the Florida Statutes or under any similar
3 statute of another jurisdiction:
- 4 a. Section 782.04, relating to murder.
 - 5 b. Section 782.07, relating to manslaughter.
 - 6 c. Section 782.071, relating to vehicular homicide.
 - 7 d. Section 782.09, relating to killing of an unborn
8 child by injury to the mother.
 - 9 e. Section 784.011, relating to assault, if the victim
10 of the offense was a minor.
 - 11 f. Section 784.021, relating to aggravated assault.
 - 12 g. Section 784.03, relating to battery, if the victim
13 of the offense was a minor.
 - 14 h. Section 784.045, relating to aggravated battery.
 - 15 i. Section 787.01, relating to kidnapping.
 - 16 j. Section 787.02, relating to false imprisonment.
 - 17 k. Section 787.04, relating to removing children from
18 the state or concealing children contrary to court order.
 - 19 l. Section 794.011, relating to sexual battery.
 - 20 m. Section 794.041, relating to prohibited acts of
21 persons in familial or custodial authority.
 - 22 n. Chapter 796, relating to prostitution.
 - 23 o. Section 798.02, relating to lewd and lascivious
24 behavior.
 - 25 p. Chapter 800, relating to lewdness and indecent
26 exposure.
 - 27 q. Section 806.01, relating to arson.
 - 28 r. Section 812.13, relating to robbery.
 - 29 s. Section 826.04, relating to incest.
 - 30 t. Section 827.03, relating to aggravated child abuse.
 - 31 u. Section 827.04, relating to child abuse.

- 1 v. Section 827.05, relating to negligent treatment of
2 children.
- 3 w. Section 827.071, relating to sexual performance by
4 a child.
- 5 x. Section 827.09, relating to abuse, neglect, or
6 exploitation of aged or disabled persons.
- 7 y. Chapter 847, relating to obscene literature.
- 8 z. Chapter 893, relating to drug abuse prevention and
9 control, only if the offense was a felony or if any other
10 person involved in the offense was a minor.
- 11 aa. Section 817.563, relating to fraudulent sale of
12 controlled substances, only if the offense was a felony; or
- 13 2. Having had a finding of delinquency or having
14 entered a plea of nolo contendere or a plea amounting to an
15 admission of guilt to a petition alleging delinquency pursuant
16 to part II, chapter 39, or similar statutes of other
17 jurisdictions, for any of the foregoing acts, regardless of
18 adjudication or disposition. For the purposes of this
19 subsection, such a finding or plea has the same effect as a
20 finding of guilt; or
- 21 3. Having been judicially determined to have committed
22 abuse or neglect against a child as defined in s. 39.01(2)-and
23 (30); or
- 24 4. Having a confirmed report of abuse, neglect, or
25 exploitation as defined in s. 415.102(5) or abuse or neglect
26 as defined in s. 415.503(5) which has been uncontested or
27 upheld pursuant to the procedures provided in s. 415.103 or s.
28 415.504; or
- 29 5. Having committed an act which constitutes domestic
30 violence as defined in s. 741.30.
- 31

1 Section 24. Paragraph (a) of subsection (1),
2 subsection (3), and paragraph (a) of subsection (4) of section
3 415.103, Florida Statutes, are amended to read:

4 415.103 Mandatory reporting of abuse, neglect, or
5 exploitation of aged persons or disabled adults; mandatory
6 reports of death; central abuse registry and tracking system;
7 immunity from liability.--

8 (1) MANDATORY REPORTING.--

9 (a) Any person, including, but not limited to, any:

10 1. Physician, osteopath, medical examiner,
11 chiropractor, nurse, or hospital personnel engaged in the
12 admission, examination, care, or treatment of aged persons or
13 disabled adults;

14 2. Health or mental health professional other than one
15 listed in subparagraph 1.)

16 3. Practitioner who relies solely on spiritual means
17 for healing;

18 4. Nursing home staff, adult congregate living
19 facility staff, adult day care center staff, social worker, or
20 other professional adult care, foster care, residential, or
21 institutional staff;

22 5. State, county, or municipal criminal justice
23 employee or law enforcement officer; or

24 6. Human rights advocacy committee or long-term care
25 ombudsman council member,

26
27 who knows, or has reasonable cause to suspect, that an aged
28 person or disabled adult is an abused, neglected, or exploited
29 person shall immediately report such knowledge or suspicion to
30 the central abuse registry and tracking system of the
31 department on the single statewide toll-free telephone number

1 | ~~or directly to the local office of the department responsible~~
2 | ~~for investigation of reports made pursuant to this section.~~

3 | (3) CENTRAL ABUSE REGISTRY AND TRACKING SYSTEM.--

4 | (a) The department shall establish and maintain a
5 | central abuse registry and tracking system which shall receive
6 | all reports made pursuant to this section in writing or
7 | through a single statewide toll-free telephone number which
8 | any person may use to report known or suspected abuse,
9 | neglect, or exploitation of an aged person or disabled adult
10 | at any hour of the day or night, any day of the week. The
11 | central abuse registry and tracking system shall be operated
12 | in such a manner as to enable the department to:

13 | 1. Immediately identify and locate prior reports or
14 | cases of adult abuse, neglect, or exploitation through the
15 | department's automated tracking system.

16 | 2. Monitor and evaluate the effectiveness of the
17 | department's program for reporting, and investigating, and
18 | classifying suspected abuse, neglect, or exploitation of aged
19 | persons or disabled adults, and the provision of protective
20 | services to such persons through the development and analysis
21 | of statistical and other information, and to report thereon.

22 | 3. Track critical steps in the investigative process
23 | to ensure compliance with all requirements for all reports.

24 | 4.3- Maintain and produce aggregate statistical
25 | reports for monitoring patterns of abuse, neglect, or
26 | exploitation of aged persons or disabled adults.

27 | 5.4- Serve as a resource for the evaluation,
28 | management, and planning of preventive and remedial services
29 | for aged persons or disabled adults who have been subject to
30 | abuse, neglect, or exploitation.

31 |

1 (b) Upon receiving an oral or written report of known
2 or suspected abuse, neglect, or exploitation of an aged person
3 or disabled adult, the central abuse registry and tracking
4 system shall determine if the report requires an immediate on-
5 site protective investigation. For reports requiring an
6 immediate on-site protective investigation, the central abuse
7 registry and tracking system shall notify the department's
8 designated aging and adult services district staff responsible
9 for protective investigations immediately to ensure prompt
10 initiation of an on-site investigation. For reports not
11 requiring an immediate on-site protective investigation, the
12 central abuse registry and tracking system shall notify the
13 department's designated aging and adult services district
14 staff responsible for protective investigations in sufficient
15 time to allow for an investigation to be commenced within 24
16 hours. At the time of notification of district staff with
17 respect to the report, the central abuse registry and tracking
18 system shall also provide information on any previous report
19 concerning a subject of the present report or any pertinent
20 information relative to the present report or any noted
21 earlier reports immediately-notify-the-designated-aging-and
22 adult-services-district-staff-of-the-department-with-respect
23 to-the-report,-any-previous-report-concerning-a-subject-of-the
24 present-report,-or-any-other-pertinent-information-relative
25 thereto.

26 (c) Upon completion of its investigation, the
27 designated aging and adult services district staff of the
28 department shall classify reports either as "confirmed,"
29 "indicated," or "unfounded." At this time, the department
30 shall notify the victim named in the report, the guardian or
31 guardians or the caregiver of the aged person or disabled

1 adult named as the victim, and the alleged perpetrator, if
2 other than the guardian or guardians or the caregiver, of the
3 completion of the investigation of the report, the
4 classification of the report, and the right to ask for
5 amendment or expunction pursuant to paragraph (d). All
6 identifying information in the central abuse registry and
7 tracking system or other computer systems or records that is
8 related to an unfounded report shall be expunged 1 year after
9 the case is classified as "unfounded." All identifying
10 information in the central abuse registry and tracking system
11 related to an indicated report shall be expunged from the
12 central abuse registry and tracking system 7 years from the
13 date of the last indicated report concerning any person named
14 in the report. All information, other than identifying
15 information, related to an indicated or unfounded report at
16 the time of expunction shall be disposed of in a manner deemed
17 appropriate by the department and pursuant to ss. 119.041 and
18 257.36(7). Unfounded and-indicated reports shall only be
19 indexed by the name of the aged person or disabled adult to
20 detect patterns of abuse, neglect, or exploitation. Persons
21 named in unfounded or indicated reports shall not be
22 identified as alleged perpetrators. All information in the
23 central abuse registry and tracking system or other computer
24 systems or records shall be subject to the confidentiality
25 provisions in s. 415.107.

26 (d)1. Where it is shown that the record is inaccurate
27 or inconsistent with ss. 415.101-415.113, the department shall
28 amend or expunge the record. The department shall notify the
29 victim and the alleged perpetrator of what amendment is made
30 to the record or of the expunction of the record.

31

1 2. Subsequent to the completion of the department's
2 investigation, the victim or alleged perpetrator of a
3 confirmed report may request the secretary to amend or expunge
4 the case record and all identifying information in the abuse
5 registry or other computer systems or records pertaining to
6 that report on the grounds that the record is inaccurate or is
7 being maintained in a manner inconsistent with ss. 415.101-
8 415.113.

9 3. Notice to the alleged perpetrator of a confirmed
10 report shall state that:

11 a. The report has been classified as confirmed;

12 b. The alleged perpetrator of a confirmed report may
13 be disqualified from working with children or the
14 developmentally disabled or from working in sensitive
15 positions involving the care of children, the developmentally
16 disabled, disabled adults, or aged persons;

17 c. The alleged perpetrator may request amendment or
18 expunction of the confirmed report, if the alleged perpetrator
19 does not agree with the classification;

20 d. The request by the alleged perpetrator for
21 amendment or expunction of the confirmed report must be
22 received by the department within 30 days after the alleged
23 perpetrator receives notice of the classification of the
24 report;

25 e. The alleged perpetrator can obtain more information
26 by calling the person whose name and telephone number are
27 provided in the notice; and

28 f. The failure to timely ask for amendment or
29 expunction means the alleged perpetrator agrees not to contest
30 the classification of the report.

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1 |
2 | Notice to the alleged perpetrator shall be sent by certified
3 | mail.
4 | 4. Failure to respond within the time specified in
5 | subparagraph 3. means that the alleged perpetrator agrees not
6 | to contest the classification of the report. The alleged
7 | perpetrator may, within 1 year of the classification of the
8 | report as confirmed, request the department to set aside a
9 | confirmed report where it can be shown that the failure to ask
10 | for amendment or expunction was due to excusable neglect or
11 | fraud. The standard for excusable neglect or fraud shall be
12 | as provided in the Rules of Civil Procedure.
13 | 5. If the alleged perpetrator asks for amendment or
14 | expunction, the secretary may amend or expunge the record. If
15 | the secretary refuses or does not act within 30 days after
16 | receiving such a request, the alleged perpetrator shall have
17 | the right to an administrative hearing to contest whether the
18 | record of the report should be amended or expunged. At the
19 | chapter 120 hearing the department shall prove by a
20 | preponderance of evidence that the perpetrator committed the
21 | abuse or neglect. If the secretary refuses to amend or
22 | expunge and the alleged perpetrator fails to timely ask for an
23 | administrative hearing, the failure to timely ask shall mean
24 | that the alleged perpetrator agrees not to contest the
25 | secretary's decision and the findings of the confirmed report
26 | of abuse or neglect. If the secretary refuses to amend or
27 | expunge and the alleged perpetrator asks for an administrative
28 | hearing and the department's classification is upheld, the
29 | report shall remain as confirmed. Any person who is named in
30 | an indicated report shall not have the right to challenge the
31 |

1 department's classification system through the department or
2 through an administrative hearing under chapter 120.

3 6. The confidentiality of the abuse or neglect report
4 shall, to the extent possible, be maintained during the
5 administrative hearing process. The administrative hearing
6 shall be closed, the administrative files shall be closed and
7 not disclosed to the public under s. 119.07(1), and any
8 identifying information in the recommended or final order
9 shall be deleted prior to publishing pursuant to chapter 120.

10 (4) POSTING STATEWIDE TOLL-FREE TELEPHONE NUMBER FOR
11 THE CENTRAL ABUSE REGISTRY AND TRACKING SYSTEM.--

12 (a) The statewide toll-free telephone number for the
13 central abuse registry and tracking system shall be posted in
14 all facilities operated by or under contract with or licensed
15 by the department which provide services to aged persons or
16 disabled adults. Such posting shall be clearly visible and in
17 a prominent place within the facility and shall be accompanied
18 by the words, "To Report the Abuse, Neglect, or Exploitation
19 of an Aged Person or Disabled Adult, Please call Toll-free 1-
20 800-342-9152."

21 Section 25. Subsections (1) and (2) of section
22 415.104, Florida Statutes, are amended to read:

23 415.104 Protective services investigations of cases of
24 abuse, neglect, or exploitation of aged persons or disabled
25 adults; transmittal of records to state attorney.--

26 (1) The department shall, upon receipt of a report
27 alleging abuse, neglect, or exploitation of an aged person or
28 disabled adult, commence, or cause to be commenced within 24
29 hours, a protective services investigation of the facts
30 alleged therein. If, upon arrival at the scene of the
31 incident, a caregiver refuses to allow the department to begin

1 a protective services investigation or interferes with the
2 department's ability to conduct such an investigation, the
3 appropriate law enforcement agency shall be contacted. If,
4 during the course of the investigation, the department has
5 reason to believe that the abuse, neglect, or exploitation is
6 perpetrated by a second party, the appropriate criminal
7 justice agency shall be orally notified in order that such
8 agency may begin a criminal investigation concurrent with the
9 protective services investigation of the department. The
10 department shall make a preliminary written report to the
11 criminal justice agency within 5 working days of the oral
12 report. The department shall, within 24 hours after receipt
13 of the report, notify the appropriate human rights advocacy
14 committee, or long-term care ombudsman council, when
15 appropriate, that an alleged abuse, neglect, or exploitation
16 perpetrated by a second party has occurred. Notice to the
17 human rights advocacy committee or long-term care ombudsman
18 council may be accomplished orally or in writing and shall
19 include the name and location of the aged person or disabled
20 adult alleged to have been abused, neglected, or exploited and
21 the nature of the report. For each report it receives, the
22 department shall perform an on-site investigation to:

23 (a) Determine that the person is an aged person or
24 disabled adult as defined in s. 415.102.

25 (b) Determine the composition of the family or
26 household, including the name, address, date of birth age,
27 social security number, sex, and race of each aged person or
28 disabled adult named in the report; any others in the
29 household or in the care of the caregiver, or any other
30 persons responsible for the aged person's or disabled adult's
31 welfare; and any other adults in the same household.

(c) Determine whether there is an indication that any aged person or disabled adult is abused, neglected, or exploited, including a determination of harm or threatened harm to any aged person or disabled adult; the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof; and a determination as to the person or persons apparently responsible for the abuse, neglect, or exploitation, including the name, address, date of birth, social security number, sex, and race of each person to be classified as an alleged perpetrator in a confirmed report. An alleged perpetrator of a confirmed report of abuse, neglect, or exploitation shall cooperate in the provision of the required data for the identification and tracking system to the fullest extent possible.

(d) Determine the immediate and long-term risk to each aged person or disabled adult through utilization of standardized risk assessment instruments ~~,-if-such-person remains-in-the-existing-environment.~~

(e) Determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the aged person's or disabled adult's well-being and cause the delivery of those services through the early intervention of the departmental worker responsible for service provision and management of identified services.

If the department has reason to believe that the abuse, neglect, or exploitation is perpetrated by a second party, the state attorney in whose circuit the alleged abuse, neglect, or exploitation occurred shall be notified.

(2) No later than 30 days after receiving the initial report, the designated aging and adult services district staff

1 of the department shall complete its investigation; determine
2 whether the reported abuse, neglect, or exploitation was
3 "confirmed," "indicated," or "unfounded"; and report its
4 findings to the department's central abuse registry and
5 tracking system.

6 Section 26. Subsections (1), (4), and (5) of section
7 415.107, Florida Statutes, are amended to read:

8 415.107 Confidentiality of reports and records in
9 cases of abuse, neglect, or exploitation of aged persons or
10 disabled adults.--

11 (1) In order to protect the rights of the individual
12 or other persons responsible for the welfare of an aged person
13 or disabled adult, all records concerning reports of abuse,
14 neglect, or exploitation of the aged person or disabled adult,
15 including reports made to the central abuse registry and
16 tracking system ~~and-to-designated-aging-and-adult-services~~
17 ~~district-offices-of-the-department~~, and all records generated
18 as a result of such reports shall be confidential and exempt
19 from the provisions of s. 119.07(1) and shall not be disclosed
20 except as specifically authorized by ss. 415.101-415.113.

21 (4) The name of any person reporting adult abuse,
22 neglect, or exploitation shall in no case be released to any
23 person other than employees of the department responsible for
24 adult protective services, the central abuse registry and
25 tracking system, or the appropriate state attorney without the
26 written consent of the person reporting abuse, neglect, or
27 exploitation when deemed necessary by the state attorney or
28 the department to protect an aged person or disabled adult who
29 is the subject of a report, provided the fact that such person
30 made the report is not disclosed. This does not prohibit the
31 subpoena of a person reporting adult abuse, neglect, or

1 exploitation when deemed necessary by the state attorney or
2 the department to protect an aged person or disabled adult who
3 is the subject of a report, provided the fact that such person
4 made the report is not disclosed. Any person who reports a
5 case of adult abuse, neglect, or exploitation may, at the time
6 he makes the report, request that the department notify him
7 that an adult protective services investigation occurred as a
8 result of the report. The department shall mail such a notice
9 to the reporter within 10 working days of the completion of
10 the adult protective services investigation.

11 (5)(a) The department shall search its central abuse
12 registry and tracking system records pursuant to the
13 requirements of ss. 110.1127, 393.0655, 394.457, 396.0425,
14 397.0715, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and
15 959.06 for the existence of a confirmed report made on the
16 personnel as defined in the foregoing provisions. The search
17 shall also include indicated reports prior to July 1, 1987.
18 Reports prior to 1978 shall not be included. If the search
19 reveals an indicated report prior to July 1, 1987, the
20 department shall review the report to determine whether the
21 indicated report shall remain classified as "indicated" or
22 shall be classified as "confirmed" according to the
23 definitions in s. 415.102. If the report remains classified
24 as "indicated," the individual shall not be disqualified. If
25 the report is classified as "confirmed," the department shall
26 notify the individual according to the provisions in s.
27 415.103(3)(d). The department shall report the existence of
28 any confirmed report and advise the authorized licensing
29 agency, applicant for licensure, or other authorized agency or
30 person of the results of the search, the date of the report,
31 whether 30 days have elapsed for requests for expunction or

1 amendment, failure of the alleged perpetrator to respond
2 pursuant to s. 415.103(3)(d), and results of any hearing
3 conducted by the secretary and any subsequent administrative
4 hearing. The department shall not release any information on
5 unfounded or indicated reports. Prior to a search being
6 conducted, the department or its designee shall notify such
7 person that an inquiry will be made. The department shall
8 notify each person for whom a search is conducted of the
9 results of the search upon request.

10 (b) The department shall, upon receipt of an
11 application of a person applying for an initial license or
12 renewal of a license for a facility to provide day or
13 residential care for aged persons or disabled adults, search
14 its central abuse registry and tracking system for the
15 existence of a confirmed report of child or adult abuse,
16 neglect, or exploitation as defined in ss. 415.102(1), (5),
17 (9), (11), and (13) and 415.503(3), (5), and (9) and advise
18 the licensing agent of any report found and the results of the
19 investigation conducted pursuant thereto, including whether 30
20 days have elapsed for requests for expunction or amendment,
21 failure of the perpetrator to respond pursuant to s.
22 415.103(3)(d) or s. 415.504(4)(d), and results of any hearing
23 conducted by the secretary and any subsequent administrative
24 hearing held on the report. Such a report shall disqualify an
25 individual from licensure, but the department may grant an
26 exemption from disqualification if the department has clear
27 and convincing evidence to support a reasonable belief that
28 the person is of good character so as to justify an exemption.
29 The person shall bear the burden of setting forth sufficient
30 evidence of rehabilitation, including, but not limited to, the
31 circumstances surrounding the incident, the nature of the harm

1 occasioned to the victim, and the history of the person since
2 the incident, or such other circumstances that shall by the
3 aforementioned standards indicate that the person will not
4 present a danger to the safety or well-being of aged persons
5 or disabled adults. The decision of the department regarding
6 an exemption may be contested through a hearing pursuant to
7 chapter 120. A disqualified person may also request amendment
8 or expunction of the report pursuant to s. 415.103(3)(d). For
9 purposes of a licensure application, these remedies must be
10 requested within 30 days of notification, or be deemed waived.
11 The department shall notify any individual disqualified from
12 licensure of the right to appeal that disqualification, of
13 remedies available, and of the time limit for requesting such
14 remedies pursuant to the provisions of this subsection. The
15 department may issue no license until screening procedures
16 and, if necessary, administrative remedies are complete.
17 However, a conditional or provisional license may be issued in
18 the case of an existing licensed facility for only that time
19 necessary to complete the above screening procedures and
20 administrative remedies. No application for licensure shall
21 be deemed complete until all requested screening information
22 has been correctly submitted pursuant to department procedure.

23 Section 27. Subsection (2) of section 415.111, Florida
24 Statutes, is amended, and subsection (5) is added to said
25 section, to read:

26 415.111 Penalties for failing to report or preventing
27 report, or for disclosing confidential information, relating
28 to abuse, neglect, or exploitation of aged person or disabled
29 adult or for act of such abuse, neglect, or exploitation;
30 penalties for making false reports.--

31

(2) Any person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse registry and tracking system, or in other computer systems, or in the records of any case of abuse, neglect, or exploitation of an aged person or disabled adult, except as provided in ss. 415.101-415.113, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of an aged person or disabled adult, or any person who advises another to make a false report, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Anyone making a report who is acting in good faith is immune from any liability under this subsection.

Section 28. Subsection (4) of section 415.503, Florida Statutes, is amended to read:

415.503 Definitions of terms used in ss. 415.502-415.514.--As used in ss. 415.502-415.514:

(4) "Child protection team" means a team of professionals established by the department to receive referrals from the protective investigators single-intake and protective supervision services staff of the children, youth, and families program and to provide specialized and supportive services to the program in processing child abuse and neglect cases. A child protection team shall provide consultation to other programs of the department and other persons on child abuse and neglect cases pursuant to s. 415.5055(1)(g).

Section 29. Paragraphs (a) and (b) of subsection (2) and subsection (4) of section 415.504, Florida Statutes, are amended to read:

1 415.504 Mandatory reports of child abuse or neglect;
2 mandatory reports of death; central abuse registry and
3 tracking system.--

4 (2)(a) Each report of known or suspected child abuse
5 or neglect pursuant to this section shall be made immediately
6 to the department's central abuse registry and tracking system
7 on the single statewide toll-free telephone number or ~~directly~~
8 ~~to the local office of the department responsible for~~
9 ~~investigation of reports made pursuant to this section.~~

10 (b) Each report made by a person in an occupation
11 designated in subsection (1) shall be confirmed in writing to
12 the local office of the department designated by the central
13 abuse registry and tracking system within 48 hours of the
14 initial report.

15 (4)(a) The department shall establish and maintain a
16 central abuse registry and tracking system which shall receive
17 all reports made pursuant to this section in writing or
18 through a single statewide toll-free telephone number which
19 any person may use to report known or suspected child abuse or
20 neglect at any hour of the day or night, any day of the week.
21 The central abuse registry and tracking system shall be
22 operated in such a manner as to enable the department to:

23 1. Immediately identify and locate prior reports or
24 cases of child abuse or neglect through utilization of the
25 department's automated tracking system.

26 2. Monitor and Regularly evaluate the effectiveness of
27 the department's program for reporting, investigating, and
28 classifying suspected abuse or neglect of abused and neglected
29 children through the development and analysis of statistical
30 and other information.
31

1 3. Track critical steps in the investigative process
2 to ensure compliance with all requirements for any report of
3 abuse or neglect.

4 4. Maintain and produce aggregate statistical reports
5 monitoring patterns of both child abuse and child neglect.

6 5. Serve as a resource for the evaluation, management,
7 and planning of preventive and remedial services for children
8 who have been subject to abuse or neglect.

9 (b) Upon receiving an oral or written report of known
10 or suspected child abuse or neglect, the central abuse
11 registry and tracking system shall determine if the report
12 requires an immediate on-site protective investigation. For
13 reports requiring an immediate on-site protective
14 investigation, the central abuse registry and tracking system
15 shall immediately notify the department's designated children,
16 youth, and families district staff responsible for protective
17 investigations to ensure that an on-site investigation is
18 promptly initiated. For reports not requiring an immediate
19 on-site protective investigation, the central abuse registry
20 and tracking system shall notify the department's designated
21 children, youth, and families district staff responsible for
22 protective investigations in sufficient time to allow for an
23 investigation to be commenced within 24 hours. At the time of
24 notification of district staff with respect to the report, the
25 central abuse registry and tracking system shall also provide
26 information on any previous report concerning a subject of the
27 present report or any pertinent information relative to the
28 present report or any noted earlier reports immediately-notify
29 the-local-office-of-the-department-with-respect-to-the-report,
30 any-previous-report-concerning-a-subject-of-the-present
31 report,-or-any-other-pertinent-information-relative-thereto.

1 (c) Upon completion of its investigation, the local
2 office of the department shall classify reports as
3 "confirmed," "indicated," or "unfounded." At this time the
4 department shall notify the parent or guardian of the child,
5 the child if appropriate, and the alleged perpetrator if other
6 than the child's parent or guardian, of the completion of its
7 investigation of the report and whether the report is
8 classified as "confirmed," "indicated," or "unfounded." All
9 identifying information in the central abuse registry and
10 tracking system or other computer systems or records that is
11 related to unfounded reports shall be expunged 1 year after
12 the case is classified as "unfounded." All identifying
13 information in the central abuse registry and tracking system
14 or other computer systems or records that is related to an
15 indicated report shall be expunged from the central abuse
16 registry and tracking system 7 years from the date of the last
17 indicated report concerning any person named in the report.
18 All information, other than identifying information, related
19 to indicated or unfounded reports at the time of expunction
20 shall be disposed of in a manner deemed appropriate by the
21 department and pursuant to ss. 119.041 and 257.36(7).
22 Unfounded and-indicated reports shall only be indexed by the
23 name of the child to detect patterns of abuse or neglect.
24 Persons named in the unfounded or indicated reports shall not
25 be identified as alleged perpetrators. All information in the
26 central abuse registry and tracking system or other computer
27 systems or records shall be subject to the confidentiality
28 provisions in s. 415.51.
29 (d)1. Where it is shown that the record is inaccurate
30 or inconsistent with ss. 415.501-415.514, the department shall
31 amend or expunge the record. The department shall notify the

1 parent or guardian of the child, the child if appropriate, and
2 the alleged perpetrator if other than the child's parent or
3 guardian of what amendment is made to the record or of the
4 expunction of the record.

5 2. Subsequent to the completion of the department's
6 investigation, any alleged perpetrator of a confirmed report
7 may request the secretary to amend or expunge the case record
8 and all identifying information in the central abuse registry
9 and tracking system or other computer systems or records
10 pertaining to that report on the grounds that the record is
11 inaccurate or is being maintained in a manner inconsistent
12 with ss. 415.501-415.514.

13 3. Notice to the alleged perpetrator of a confirmed
14 report shall state that:

15 a. The report has been classified as confirmed;

16 b. The alleged perpetrator of a confirmed report may
17 be disqualified from working with children or the
18 developmentally disabled or from working in sensitive
19 positions involving the care of children, the developmentally
20 disabled, disabled adults, or aged persons;

21 c. The alleged perpetrator may request amendment or
22 expunction of the confirmed report, if the alleged perpetrator
23 does not agree with the classification;

24 d. The request by the alleged perpetrator for
25 amendment or expunction of the confirmed report must be
26 received by the department within 30 days after the alleged
27 perpetrator receives notice of the classification of the
28 report;

29 e. The alleged perpetrator can obtain more information
30 by calling the person whose name and telephone number are
31 provided in the notice; and

1 f. The failure to timely ask for amendment or
2 expunction means the alleged perpetrator agrees not to contest
3 the classification of the report.

4
5 Notice to the alleged perpetrator shall be sent by certified
6 mail.

7 4. Failure to respond within the time specified in
8 subparagraph 3. means that the alleged perpetrator agrees not
9 to contest the classification of the report. The alleged
10 perpetrator may within 1 year of the classification of the
11 report as confirmed request the department to set aside a
12 confirmed report where it can be shown that the failure to ask
13 for amendment or expunction was due to excusable neglect or
14 fraud. The standard for excusable neglect or fraud shall be
15 as provided in the Rules of Civil Procedure.

16 5. If the alleged perpetrator asks for amendment or
17 expunction, the secretary may amend or expunge the record. If
18 the secretary refuses or does not act within 30 days after
19 receiving such a request, the alleged perpetrator shall have
20 the right to an administrative hearing to contest whether the
21 record of the report should be amended or expunged. At the
22 chapter 120 hearing the department shall prove by a
23 preponderance of evidence that the perpetrator committed the
24 abuse or neglect. If the secretary refuses to amend or
25 expunge and the alleged perpetrator fails to timely ask for an
26 administrative hearing, the failure to timely ask shall mean
27 that the alleged perpetrator agrees not to contest the
28 secretary's decision and the findings of the confirmed report
29 of abuse or neglect. If the secretary refuses to amend or
30 expunge and the alleged perpetrator asks for an administrative
31 hearing and the department's classification is upheld, the

1 report shall remain as confirmed. Any person who is named in
2 an indicated report shall not have the right to challenge the
3 department's classification system through the department or
4 through an administrative hearing under chapter 120.

5 6. The confidentiality of the abuse or neglect report
6 shall, to the extent possible, be maintained during the
7 administrative hearing process. The administrative hearing
8 shall be closed, the administrative files shall be closed and
9 not disclosed to the public under s. 119.07(1), and any
10 identifying information in the recommended or final order
11 shall be deleted prior to publishing pursuant to chapter 120.

12 Section 30. Paragraphs (b) and (f) of subsection (1)
13 of section 415.505, Florida Statutes, are amended to read:

14 415.505 Child protective investigations; institutional
15 child abuse or neglect investigations.--

16 (1)

17 (b) For each report it receives, the department shall
18 perform an onsite child protective investigation to:

19 1. Determine the composition of the family or
20 household, including the name, address, date of birth age,
21 social security number, sex, and race of each child named in
22 the report; any siblings or other children in the same
23 household or in the care of the same adults; the parents or
24 other persons responsible for the child's welfare; and any
25 other adults in the same household.

26 2. Determine whether there is indication that any
27 child in the family or household is abused or neglected,
28 including a determination of harm or threatened harm to each
29 child; the nature and extent of present or prior injuries,
30 abuse, or neglect, and any evidence thereof; and a
31 determination as to the person or persons apparently

1 responsible for the abuse or neglect, including the name,
2 address, date of birth, social security number, sex, and race
3 of each person to be classified as an alleged perpetrator in a
4 confirmed report. An alleged perpetrator in a confirmed
5 report of abuse or neglect shall cooperate in the provision of
6 the required data for the identification and tracking system;
7 to the fullest extent possible.

8 3. Determine the immediate and long-term risk to each
9 child through utilization of standardized risk assessment
10 instruments if the child remains in the existing home
11 environment.

12 4. Determine the protective, treatment, and
13 ameliorative services necessary to safeguard and ensure the
14 child's well-being and development and cause the delivery of
15 those services through the early intervention of the
16 departmental worker responsible for provision and management
17 of identified services in order, if possible, to preserve and
18 stabilize family life, if possible.

19 (f) No later than 30 days after receiving the initial
20 report, the local office of the department shall complete its
21 investigation, determine whether the reported abuse was
22 confirmed, indicated, or unfounded, and report its findings to
23 the department's central abuse registry and tracking system.

24 Section 31. Subsection (1) of section 415.5055,
25 Florida Statutes, is amended to read:

26 415.5055 Child protection teams; services; eligible
27 cases.--The department shall develop, maintain, and coordinate
28 the services of one or more multidisciplinary child protection
29 teams in each of the service districts of the department.
30 Such teams may be composed of representatives of appropriate

31

1 health, mental health, social service, legal service, and law
2 enforcement agencies.

3 (1) The department shall utilize and convene the teams
4 to supplement the protective investigation single-intake and
5 protective supervision services activities of the children,
6 youth, and families program of the department. Nothing in
7 this section shall be construed to remove or reduce the duty
8 and responsibility of any person to report pursuant to s.
9 415.504 all suspected or actual cases of child abuse or
10 neglect or sexual abuse of a child. The role of the teams
11 shall be to support activities of the program and to provide
12 services deemed by the teams to be necessary and appropriate
13 to abused and neglected children upon referral. The
14 specialized diagnostic assessment, evaluation, coordination,
15 consultation, and other supportive services that a child
16 protection team shall be capable of providing include, but are
17 not limited to, the following:

18 (a) Medical diagnosis and evaluation services,
19 including provision or interpretation of X rays and laboratory
20 tests, and related services, as needed, and documentation of
21 findings relative thereto.

22 (b) Telephone consultation services in emergencies and
23 in other situations.

24 (c) Medical evaluation related to abuse or neglect, as
25 defined by department policy or rule.

26 (d) Such psychological and psychiatric diagnosis and
27 evaluation services for the child or his parent or parents,
28 guardian or guardians, or other care givers, or any other
29 individual involved in a child abuse or neglect case, as the
30 team may determine to be needed.

31

1 (e) Short-term psychological treatment. It is the
2 intent of the Legislature that short-term psychological
3 treatment be limited to no more than 6 months' duration after
4 treatment is initiated, except that the appropriate district
5 administrator may authorize such treatment for individual
6 children beyond this limitation if the administrator deems it
7 appropriate.

8 (f) Expert medical, psychological, and related
9 professional testimony in court cases.

10 (g) Case staffings to develop, implement, and monitor
11 treatment plans for children whose cases have been referred to
12 the team. A child protection team may provide consultation
13 with respect to a child who has not been referred to the team,
14 but who is alleged or is shown to be abused, which
15 consultation shall be provided at the request of a
16 representative of the children, youth, and families program or
17 at the request of any other professional involved with a child
18 or his parent or parents, guardian or guardians, or other care
19 givers. In every such child protection team case staffing,
20 consultation, or staff activity involving a child, a children,
21 youth, and families program representative shall attend and
22 participate.

23 (h) Case service coordination and assistance,
24 including the location of services available from other public
25 and private agencies in the community.

26 (i) Such training services for program and other
27 department employees as is deemed appropriate to enable them
28 to develop and maintain their professional skills and
29 abilities in handling child abuse and neglect cases.

30 (j) Educational and community awareness campaigns on
31 child abuse and neglect in an effort to enable citizens more

1 successfully to prevent, identify, and treat child abuse and
2 neglect in the community.

3 Section 32. Subsection (1) of section 415.507, Florida
4 Statutes, is amended to read:

5 415.507 Photographs, medical examinations, X rays, and
6 medical treatment of abused or neglected child.--

7 (1) Any person required to investigate cases of
8 suspected child abuse or neglect may take or cause to be taken
9 photographs of the areas of trauma visible on a child who is
10 the subject of a report and, if the areas of trauma visible on
11 a child indicate a need for a medical examination, may cause
12 the child to be referred for diagnosis to a licensed physician
13 or an emergency department in a hospital without the consent
of the child's parents, legal guardian, or legal custodian.

Such examination may be performed by an advanced registered
16 nurse practitioner licensed pursuant to chapter 464. Any
17 licensed physician, or advanced registered nurse practitioner
18 licensed pursuant to chapter 464, who has reasonable cause to
19 suspect that an injury was the result of child abuse may
20 authorize a radiological examination to be performed on the
21 child without the consent of the child's parent, legal
22 guardian, or legal custodian.

23 Section 33. Subsection (2) of section 415.509, Florida
24 Statutes, is amended to read:

25 415.509 Responsibilities of public agencies with
26 respect to prevention, identification, and treatment of child
27 abuse and child neglect; educational and training programs.--

28 (2) The department shall, within available
29 appropriations, conduct a continuing publicity and education
30 program for district staff and officials required to report
31 and any other appropriate persons to encourage the fullest

1 degree of reporting of suspected child abuse or neglect. The
2 program shall include, but not be limited to, information
3 concerning the responsibilities, obligations, and powers
4 provided under ss. 415.502-415.514; the methods for diagnosis
5 of child abuse or neglect; and the procedures of the child
6 protective service program, the circuit court, and other duly
7 authorized agencies. In developing training programs for
8 district staff, the department shall place emphasis on
9 preservice and inservice training for protective investigation
10 single-intake, protective supervision services, and foster
11 care staff which would include skills in diagnosis and
12 treatment of child abuse and neglect and procedures of the
13 child protective system and judicial process.

14 Section 34. Subsections (1), (4), (5), (6), and (7) of
15 section 415.51, Florida Statutes, are amended to read:

16 415.51 Confidentiality of reports and records in cases
17 of child abuse or neglect.--

18 (1) In order to protect the rights of the child and
19 his parents or other persons responsible for the child's
20 welfare, all records concerning reports of child abuse or
21 neglect, including reports made to the central abuse registry
22 and tracking system ~~and-to-local-offices-of-the-department~~ and
23 all records generated as a result of such reports, shall be
24 confidential and exempt from the provisions of s. 119.07(1)
25 and shall not be disclosed except as specifically authorized
26 by ss. 415.502-415.514. Such exemption from s. 119.07(1)
27 applies to information in the possession of those entities
28 granted access as set forth in this section.

29 (4) The department shall search its central abuse
30 registry and tracking system records pursuant to the
31 requirements of ss. 110.1127, 393.0655, 394.457, 396.0425,

1 397.0715, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and
2 959.06 for the existence of a confirmed report made on the
3 personnel as defined in the foregoing provisions. The search
4 shall also include indicated reports prior to July 1, 1987.
5 Reports prior to 1978 shall not be included. If the search
6 reveals an indicated report prior to July 1, 1987, the
7 department shall review the report to determine whether the
8 indicated report shall remain classified as indicated or shall
9 be classified as confirmed according to the definitions in s.
10 415.503. If the report remains classified as indicated, the
11 individual may not be disqualified. If the report is
12 classified as confirmed, the department shall notify the
13 individual according to the provisions of s. 415.504(4)(d).
14 The department shall report the existence of any confirmed
15 report of abuse and advise the authorized licensing agency,
16 applicant for license, or other authorized agency or person of
17 the results of the search, the date of the report, whether 30
18 days have elapsed for requests for expunction or amendment,
19 failure of the alleged perpetrator to respond pursuant to s.
20 415.504(4)(d), results of any hearing conducted by the
21 secretary and any subsequent administrative hearing, and in
22 the case of judicial determination of abuse, the procedure for
23 inspection of court records as set forth in s. 39.411(3). The
24 department shall not release any information on unfounded or
25 indicated reports. Prior to a search being conducted, the
26 department or its designee shall notify such person that an
27 inquiry will be made. The department shall notify each person
28 for whom a search is conducted of the results of the search
29 upon request.

30 (5) The department shall, with the written consent of
31 a person applying to a licensed child-placing agency for the

1 adoption of a child, search its central abuse registry and
2 tracking system for the existence of a confirmed report and
3 advise the licensed child-placing agency of any such report
4 found and the results of the investigation conducted pursuant
5 thereto, including whether 30 days have elapsed for requests
6 for expunction or amendment, failure of the alleged
7 perpetrator to respond pursuant to s. 415.504(4)(d), and
8 results of any hearing conducted by the secretary and any
9 subsequent administrative hearing held on the report.

10 (6) Except as provided in subsection (4), the
11 department shall, with the written consent of a person
12 applying to work with children as a volunteer or as a paid
13 employee for a public or private nonprofit agency, or for an
14 individual family, search its central abuse registry and
15 tracking system for the existence of a confirmed report and
16 shall advise such agency or family of any such report found
17 and the results of the investigation conducted pursuant
18 thereto, including whether 30 days have elapsed for requests
19 for expunction or amendment, failure of the alleged
20 perpetrator to respond pursuant to s. 415.504(4)(d), and
21 results of any hearing conducted by the secretary and any
22 subsequent administrative hearing held on the report.

23 (7) The name of any person reporting child abuse or
24 neglect shall not be released to any person other than
25 employees of the department responsible for child protective
26 services, the central abuse registry and tracking system, or
27 the appropriate state attorney without the written consent of
28 the person reporting. This does not prohibit the subpoenaing
29 of a person reporting child abuse or neglect when deemed
30 necessary by the state attorney or the department to protect a
31 child who is the subject of a report, provided the fact that

1 such person made the report is not disclosed. Any person who
2 reports a case of child abuse or neglect may, at the time he
3 makes the report, request that the department notify him that
4 a child protective investigation occurred as a result of the
5 report. The department shall mail such a notice to the
6 reporter within 10 days of the completion of the child
7 protective investigation.

8 Section 35. Section 415.511, Florida Statutes, is
9 amended to read:

10 415.511 Immunity from liability in cases of child
11 abuse or neglect.--

12 (1)(a) Any person, official, or institution
13 participating in good faith in any act authorized or required
14 by ss. 415.502-415.514 shall be immune from any civil or
15 criminal liability which might otherwise result by reason of
16 such action.

17 (b) Except as provided in s. 415.503(8)(f), nothing
18 contained in this section shall be deemed to grant immunity,
19 civil or criminal, to any person suspected of having abused or
20 neglected a child, or committed any illegal act upon or
21 against a child.

22 (2)(a) No resident or employee of a facility serving
23 children may be subjected to reprisal or discharge because of
24 his actions in reporting abuse or neglect pursuant to the
25 requirements of this section.

26 (b) Any person making a report under this section
27 shall have a civil cause of action for appropriate
28 compensatory and punitive damages against any person who
29 causes detrimental changes in the employment status of such
30 reporting party by reason of his making such report. Any
31 detrimental change made in the residency or employment status

1 of such person, including, but not limited to, discharge,
2 termination, demotion, transfer, or reduction in pay or
3 benefits or work privileges, or negative evaluations within a
4 prescribed period of time shall establish a rebuttable
5 presumption that such action was retaliatory.

6 Section 36. Subsection (2) of section 415.513, Florida
7 Statutes, is amended, and subsection (3) is added to said
8 section, to read:

9 415.513 Penalties for failing to report or preventing
10 another person from reporting, or disclosing confidential
11 information relating to, a case of child abuse or neglect;
12 penalties for making a false report.--

13 (2) Any person who knowingly and willfully makes
14 public or discloses any confidential information contained in
15 the central abuse registry and tracking system or in the
16 records of any child abuse or neglect case, except as provided
17 in ss. 415.502-415.514, is guilty of a misdemeanor of the
18 second degree, punishable as provided in s. 775.082, s.
19 775.083, or s. 775.084.

20 (3) Any person who knowingly and willfully makes a
21 false report of child abuse or neglect, or any person who
22 advises another to make a false report, is guilty of a
23 misdemeanor of the second degree, punishable as provided in s.
24 775.082, s. 775.083, or s. 775.084. Anyone making a report
25 who is acting in good faith is immune from any liability under
26 this subsection.

27 Section 37. Paragraph (a) of subsection (4) of section
28 959.06, Florida Statutes, is amended to read:

29 959.06 Departmental contracting powers.--

30 (4) Standards for screening shall also ensure that the
31 person:

1 (a) Has not been judicially determined to have
2 committed abuse or neglect against a child as defined in s.
3 39.01(2)-and-(3);

4 (b) Does not have a confirmed report of abuse,
5 neglect, or exploitation as defined in s. 415.102(5) which has
6 been uncontested or has been upheld pursuant to s.
7 415.504(4)(d);

8 (c) Does not have a confirmed report of abuse,
9 neglect, or exploitation as defined in s. 415.102(5) or s.
10 415.503(5) which has been uncontested or has been upheld
11 pursuant to the procedures provided in s. 415.103 or s.
12 415.504; or

13 (d) Has not committed an act which constitutes
14 domestic violence as defined in s. 741.30.

15 Section 38. Paragraph (f) is added to subsection (1)
16 of section 39.41, Florida Statutes, subsection (7) of said
17 section is amended, subsections (3) through (7) are renumbered
18 as subsections (4) through (8), respectively, and a new
19 subsection (3) is added to said section, to read:

20 39.41 Powers of disposition.--

21 (1) When any child is adjudicated by a court to be
22 dependent, the court having jurisdiction of the child shall
23 have the power, by order, to:

24 (f) Approve placement of the child in an independent
25 living arrangement pursuant to s. 409.165 for any foster child
26 16 years of age or older, if the following requirements are
27 met:

28 1. The child has demonstrated independent living
29 skills.

30 2. The child is capable of functioning without the
31 daily care and supervision of a responsible adult.

1 3. Pursuant to s. 39.451, a performance agreement or
2 permanent placement plan stating the goal of independent
3 living and specifying the responsibilities, tasks, and
4 expectations of all parties has been prepared, signed by all
5 appropriate parties, and submitted to the court along with a
6 petition for review and a social study report.

7 4. The child on independent living status is willing
8 and able to maintain regular periodic contact with the
9 department staff assigned to his case for the purpose of
10 counseling, monitoring progress toward independence, referral
11 to community resources for assistance, and other functions as
12 specified in the written agreement described in subparagraph
13 3.

14 5. The court has heard evidence presented on the
15 merits of placing the child on independent living status at a
16 periodic judicial review for which all parties were noticed
17 and the hearing held pursuant to the requirements of s.
18 39.451.

19 6. It can be clearly established that this type of
20 alternate care arrangement is the most appropriate plan and
21 that the safety and welfare of the child will not be
22 jeopardized by such an arrangement.

23
24 While in independent living situations, children whose legal
25 custody has been awarded to the department or a licensed
26 child-caring or child-placing agency, or who have been
27 voluntarily placed with such an agency by a parent, guardian,
28 or relative within the second degree, shall continue to be
29 subject to the court review provisions of s. 39.453. The
30 court shall review the plan developed by the department or
31

1 agency pursuant to s. 409.165(4)(b)1. and include findings
2 regarding the plan.

3 (3) If the court does not commit the child to the
4 temporary legal custody of an adult relative, the disposition
5 order shall include the reasons for such a decision and shall
6 include a determination as to whether diligent efforts were
7 made by the department to locate an adult relative willing to
8 care for the child in order to present that placement option
9 to the court in lieu of placement with the department.

10 (8)(7) The court may at any time enter an order ending
11 its jurisdiction over any child, except that, when a child has
12 been returned to his parents pursuant to subsection (7)(6),
13 the court shall not terminate its jurisdiction over the child
14 until 6 months after the return. Based on a report of the
15 department or agency and any other relevant factors, the court
16 shall then determine whether its jurisdiction should be
17 continued or terminated in such a case; if its jurisdiction is
18 to be terminated, the court shall enter an order to that
19 effect.

20 Section 39. Paragraph (a) of subsection (2) and
21 subsection (6) of section 39.442, Florida Statutes, are
22 amended to read:

23 39.442 Powers of disposition.--

24 (2)(a) When any child is adjudicated by the court to
25 be a child in need of services, the court having jurisdiction
26 of the child shall have the power, by order, to:

27 1. Place the child under the protective supervision of
28 an authorized agent of the department, either in the child's
29 own home or, the prospective custodian being willing, in the
30 home of a relative of the child or in some other suitable
31 place under such reasonable conditions as the court may/

1 direct. Protective supervision shall be regularly reviewed by
2 the court and shall continue until the court terminates it.

3 2. Place the child in the temporary legal custody of
4 an adult relative willing to care for the child.

5 3. Commit the child to a licensed child-caring agency
6 willing to receive the child. Continued commitment to the
7 licensed child-caring agency, as well as all other proceedings
8 under this section pertaining to the child, shall additionally
9 be governed by the provisions of s. 409.168.

10 4. Commit the child to the temporary legal custody of
11 the department. Such commitment shall invest in the
12 department all rights and responsibilities of a legal
13 custodian. The department shall not return any child to the
14 physical care and custody of the person from whom the child
15 was removed, except for short visitation periods, without the
16 approval of the court. The term of such commitment shall
17 continue until terminated by the court. After the child is
18 committed to the temporary custody of the department, all
19 further proceedings under this section shall additionally be
20 governed by the provisions of part III and part V s-409-168.

21 (6) With respect to a child who is the subject of a
22 performance agreement under part V s-409-168, the court shall
23 return the child to the custody of the natural parents upon
24 expiration of the agreement if the parents have substantially
25 complied with the agreement.

26 Section 40. Subsections (1), (4), and (5) of section
27 39.452, Florida Statutes, are amended to read:

28 39.452 Permanent placement plan.--

29 (1)(a) In the event the natural parents will not or
30 cannot participate in preparation of a performance agreement,
31 the social service agency shall submit a full explanation of

1 the circumstances and a plan for the permanent placement of
2 the child to the court within 30 days after the placement of
3 the child in foster care or, if preparation cannot be
4 accomplished within 30 days, for good cause shown, the court
5 may grant an extension not to exceed 30 days for the filing,
6 the granting of which shall be for similar reason to that
7 contained in s. 39.451(4)(a) within the time as provided for a
8 performance agreement.

9 **(b)** In the full explanation of the circumstances
10 submitted to the court, the social service agency shall state
11 the nature of its efforts to secure parental participation in
12 the preparation of a performance agreement.

13 **(4)(a)** Prior to the filing of a permanent placement
14 plan, each parent shall be served with a copy of the permanent
15 placement plan developed by the social service agency. If the
16 location of one or both parents is unknown, then this fact
17 shall be documented in writing and included in the permanent
18 placement plan submitted to the court. After the filing of
19 the permanent placement plan, if the location of an absent
20 parent becomes known, that parent shall then be served with a
21 copy of the permanent placement plan.

22 **(b)** Prior to the filing of the permanent placement
23 plan, the social service agency shall advise each parent, both
24 orally and in writing, that the placement of the child in
25 foster care may result in the termination of parental rights,
26 but only after notice and hearing as provided in part VI. If,
27 after the plan has been submitted to the court, an absent
28 parent is located, the social service agency shall advise the
29 parent, both orally and in writing, that the placement of the
30 child in foster care may result in termination of parental
31 rights, but only after notice and hearing as provided in part

1 VI. Proof of written notification shall be filed with the
2 court.

3 (5)(a) The court shall set a hearing, with notice to
4 all parties, on the permanent placement plan or any provisions
5 of the plan, within 45 days after the plan has been received
6 by the court. If the location of a parent is unknown, then
7 the notice shall be directed to the last permanent address of
8 record.

9 (b) At the hearing on the plan, the court shall
10 determine:

11 1. All parties who were notified and are in attendance
12 at the hearing, either in person or through a legal
13 representative. The court shall appoint a guardian ad litem,
14 pursuant to Rule 1.210, Florida Rules of Civil Procedure, to
15 represent the interests of any parent, if the location of the
16 parent is known, but the parent is not present at the hearing,
17 and the development of the permanent placement plan is based
18 upon the physical, emotional, or mental condition or physical
19 location of the parent;

20 2. If the plan is consistent with previous orders of
21 the court placing the child in care;

22 3. If the plan is consistent with the requirements for
23 the content of a permanent placement plan as specified in
24 subsection (3);

25 4. In involuntary placements, whether each parent was
26 notified of the right to counsel at each stage of the
27 dependency proceedings pursuant to the Florida Rules of
28 Juvenile Procedure;

29 5. Whether each parent whose location was known was
30 notified of the right to enter into a performance agreement in
31 lieu of the social service agency preparing a permanent

1 placement plan and of the right to receive assistance from any
2 other person in the preparation of the performance agreement,
3 and

4 6. Whether the plan is meaningful and designed to
5 address facts and circumstances upon which the court based the
6 finding of dependency in involuntary placements or the plan is
7 meaningful and designed to address facts and circumstances
8 upon which the child was placed in foster care voluntarily.

9 (c) When the court determines any of the elements
10 considered at the hearing related to the plan have not been
11 met, the court shall require the social service agency to make
12 necessary amendments to the plan. The amended plan shall be
13 submitted to the court for review and approval within a time
14 certain specified by the court. A copy of the amended plan
15 shall also be provided to each parent, if the location of the
16 parent is known.

17 (d)(4) A parent who has not participated in the
18 development of a performance agreement shall be served with a
19 copy of the plan developed by the social service agency if the
20 parent can be located. Any parent is entitled to, and may
21 seek, a court review of the plan prior to the initial 6
22 months' review and shall be informed of this right by the
23 agency at the time the agency serves the parent with a copy of
24 the plan. If the location of an absent parent becomes known
25 to the agency, the agency shall inform the parent of the right
26 to a court review at the time the agency serves the parent
27 with a copy of the permanent placement plan.

~~(5)--The social service agency shall advise the parent~~
29 ~~that placement of the child in foster care may result in~~
30 ~~termination of parental rights, but only after notice and a~~
31 ~~hearing as provided in part VI of this chapter.~~

1 Section 41. Subsection (3) is added to section 39.466,
2 Florida Statutes, to read:

3 39.466 Advisory hearing.--

4 (3) An advisory hearing shall not be held if a
5 petition is filed seeking an adjudication to terminate
6 parental rights pursuant to s. 39.464(1). Adjudicatory
7 hearings for petitions filed pursuant s. 39.464(1) shall be
8 held within 21 days of the filing of the petition. Notice of
9 the use of this subsection shall be filed with the court at
10 the same time as the filing of the petition to terminate
11 parental rights.

12 Section 42. Subsection (1) of section 39.469, Florida
13 Statutes, is amended to read:

14 39.469 Disposition hearing; powers of disposition;
15 order of disposition.--

16 (1) DISPOSITION HEARING.--At the disposition hearing,
17 if the court finds that the facts alleged in the petition for
18 termination of parental rights were proven in the adjudicatory
19 hearing, the court shall receive and consider a predisposition
20 study which shall be in writing and be presented by an
21 authorized-agent-of the department or a licensed child-placing
22 agency.

23 (a) The predisposition study shall provide the court
24 with documentation indicating what action is manifestly in the
25 best interests of the child, including the need for
26 termination of parental rights.

27 (b) A copy of the predisposition report shall be
28 provided to the attorney of record of the parent, parents, or
29 guardian and the guardian ad litem of the child at least 48
30 hours prior to the disposition hearing but shall not be
31

released prior to the conclusion of the adjudicatory hearing.

(c) Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing.

Section 43. Paragraph (f) is added to subsection (2) of section 230.645, Florida Statutes, to read:

230.645 Postsecondary student fees.--

(2) The following students are exempt from any requirement for the payment of fees for instruction:

(f) Students for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39 for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living.

Section 44. Subsection (6) is added to section 240.235, Florida Statutes, to read:

240.235 Fees.--

(6)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39 for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living shall be exempt from the payment of all undergraduate fees, including fees associated with enrollment in college preparatory instruction or completion of college-level communication and computation skills testing programs. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s.

1 240.404, which would provide, at a minimum, payment of all
2 undergraduate fees.

3 (b) Any student qualifying for a fee exemption under
4 this subsection shall receive such an exemption for not more
5 than 4 consecutive years or eight semesters, unless the
6 student is participating in college preparatory instruction or
7 is requiring additional time to complete the college-level
8 communication and computation skills testing programs. Such a
9 student shall be eligible to receive a fee exemption for a
10 maximum of 5 consecutive years or 10 semesters.

11 (c) As a condition for continued fee exemption, a
12 student shall have earned a grade point average of at least
13 2.0 on a 4.0 scale for the previous term, maintain at least an
14 overall 2.0 average for college work, or have an average below
15 2.0 for only the previous term and be eligible for continued
16 enrollment in the institution.

17 Section 45. Subsections (1) through (9) of section
18 240.35, Florida Statutes, are renumbered as subsections (2)
19 through (10), respectively, and a new subsection (1) is added
20 to said section to read:

21 240.35 Student fees.--

22 (1)(a) Any student for whom the state is paying a
23 foster care board payment pursuant to s. 409.145(3) or parts
24 III and V of chapter 39 for whom the permanency planning goal
25 pursuant to part V of chapter 39 is long-term foster care or
26 independent living shall be exempt from the payment of all
27 undergraduate fees, including fees associated with enrollment
28 in college preparatory instruction or completion of college-
29 level communication and computation skills testing programs.
30 Before a fee exemption can be given, the student shall have
31 applied for and been denied financial aid, pursuant to s.

1 240.604, which would provide, at a minimum, payment of all
2 student fees.

3 (b) Any student qualifying for a fee exemption under
4 this subsection shall receive such an exemption for not more
5 than 2 consecutive years or four semesters, unless the student
6 is participating in college preparatory instruction or is
7 requiring additional time to complete the college-level
8 communication and computation skills testing programs. Such a
9 student shall be eligible to receive a fee exemption for a
10 maximum of 3 consecutive years or six semesters.

11 (c) As a condition for continued fee exemption, a
12 student shall have earned a grade point average of at least
13 2.0 on a 4.0 scale for the previous term, maintain at least an
14 overall 2.0 average for college work, or have an average below
15 2.0 for only the previous term and be eligible for continued
16 enrollment in the institution.

17 Section 46. Paragraph (b) of subsection (7) of section
18 240.36, Florida Statutes, is amended to read:

19 240.36 Florida Academic Improvement Trust Fund for
20 Community Colleges.--

21 (7)

22 (b) If a community college includes scholarships in
23 its proposal, it shall create an endowment in its academic
24 improvement trust fund and use the earnings of the endowment
25 to provide scholarships. Such scholarships must be program
26 specific and require high academic achievement for students to
27 qualify for or retain the scholarship. A scholarship program
28 may be used for minority recruitment, but may not be used for
29 athletic participants. The board of trustees must have
30 designated the program as a program of emphasis for quality
31 improvement, a designation that should be restricted to a

1 limited number of programs at the community college. In
2 addition, the board of trustees must have adopted a specific
3 plan that details how the community college will improve the
4 quality of the program designated for emphasis and that
5 includes quality measures and outcome measures. Over a period
6 of time, the community college operating budget should show
7 additional financial commitment to the program of emphasis
8 above and beyond the average increases to other programs
9 offered by the community college. Fundraising activities must
10 be specifically identified as being for the program of
11 emphasis or scholarship money. The community college must
12 fully levy the amount for financial aid purposes provided by
13 s. 240.35(7)(e) in addition to the tuition and matriculation
14 fee before any scholarship funds are awarded to the community
15 college as part of its approved request.

16 Section 47. Subsection (3) of section 409.145, Florida
17 Statutes, is amended to read:

18 409.145 Care of children.--

19 (3)(a) The department is authorized to continue to
20 provide the services of the children's foster care program to
21 individuals 18 to 21 years of age who are enrolled in high
22 school, or-enrolled in a program leading to a high school
23 equivalency diploma as defined in s. 229.814, or in a full-
24 time vocational education program, if the following
25 requirements are met:

26 1. The individual was committed to the legal custody
27 of the department for placement in foster care as a dependent
28 child;

29 2. All other resources have been thoroughly explored
30 and it can be clearly established that there are no
31 alternative resources for placement; and

3. A written service agreement which specifies responsibilities and expectations for all parties involved has been signed by a representative of the department, the individual, and the foster parent or licensed child-caring agency providing the placement resources.

(b) The services of the foster care program shall continue for those individuals 18 to 21 years of age only for the period of time the individual is continuously enrolled in high school, or in a program leading to a high school equivalency diploma as defined in s. 229.814, or in a full-time vocational education program. Services shall be terminated upon completion of, or withdrawal or permanent expulsion from, high school, or the program leading to a high school equivalency diploma, or a full-time vocational education program.

(c)1. The department is authorized to provide the services of the children's foster care program to an individual who is enrolled full-time in a postsecondary vocational-technical education program, full-time in a community college program leading toward a vocational degree or an associate degree, or full-time in a university or college, if the following requirements are met:

a. The individual was committed to the legal custody of the department for placement in foster care as a dependent child;

b. The permanency planning goal pursuant to part V of chapter 39 for the individual is long-term foster care or independent living;

c. The individual has been accepted for admittance to a postsecondary vocational-technical education program, to a community college, or to a university or college;

1 d. All other resources have been thoroughly explored
2 and it can be clearly established that there are no
3 alternative resources for placement; and
4 e. A written service agreement which specifies
5 responsibilities and expectations for all parties involved has
6 been signed by a representative of the department; the
7 individual; and the foster parent or licensed child-caring
8 agency providing the placement resources, if the individual is
9 to continue living with the foster parent or placement
10 resource while attending a postsecondary vocational-technical
11 education program, community college, or university or
12 college. An individual who is to be continued in or placed in
13 independent living shall continue to receive services
14 according to the independent living program and agreement of
15 responsibilities signed by the department and the individual.
16 2. Any provision of this chapter or any other law to
17 the contrary notwithstanding, where an individual who meets
18 the requirements of subparagraph 1. is in attendance at a
19 community college, college, or university, the department may
20 make foster care payments to such community college, college,
21 or university in lieu of payment to the foster parents or
22 individual, for the purpose of room and board, if not
23 otherwise provided, but such payments shall not exceed the
24 amount that would have been paid to the foster parents had the
25 individual remained in the foster home.
26 3. The services of the foster care program shall
27 continue only for an individual under this paragraph who is a
28 full-time student; but shall continue for not more than:
29 a. Two consecutive years for an individual in a
30 postsecondary vocational-technical education program;
31

1 b. Two consecutive years or four semesters for an
2 individual enrolled in a community college; unless the
3 individual is participating in college preparatory instruction
4 or is requiring additional time to complete the college-level
5 communication and computation skills testing program, in which
6 case such services shall continue for not more than 3
7 consecutive years or six semesters; or

8 c. Four consecutive years, eight semesters, or 12
9 quarters for an individual enrolled in a college or
10 university; unless the individual is participating in college
11 preparatory instruction or is requiring additional time to
12 complete the college level communication and computation
13 skills testing programs, in which case such services shall
14 continue for not more than 5 consecutive years, 10 semesters,
15 or 15 quarters.

16 4.a. As a condition for continued foster care
17 services, an individual shall have earned a grade point
18 average of at least 2.0 on a 4.0 scale for the previous term,
19 maintain at least an overall grade point average of 2.0 for
20 only the previous term, and be eligible for continued
21 enrollment in the institution. If the postsecondary
22 vocational-technical school program does not operate on a
23 grade point average as described above, then the individual
24 shall maintain a standing equivalent to the 2.0 grade point
25 average.

26 b. Services shall be terminated upon completion of,
27 graduation from, or withdrawal or permanent expulsion from a
28 postsecondary vocational-technical education program,
29 community college, or university or college. Services shall
30 also be terminated for failure to maintain the required level
31 of academic achievement.

1 Section 48. Subsection (3) of section 409.165, Florida
2 Statutes, is amended, and subsection (4) is added to said
3 section, to read:

4 409.165 Alternate care for children.--

5 (3) With the written consent of parents, custodians,
6 or guardians, or in accordance with those provisions in
7 chapter 39 that relate to dependent children, the department,
8 under rules properly adopted, may place a child with:

9 (a) With a relative;

10 (b) With a person who is considering the adoption of a
11 child in the manner provided for by law;

12 (c) When limited to temporary emergency situations,
13 with a responsible adult approved by the court; or

14 (d) With a person or agency licensed by the department
15 in accordance with s. 409.175; or

16 (e) In an independent living situation, subject to the
17 provisions of subsection (4).

18
19 under such conditions as are determined to be for the best
20 interests or the welfare of the child. Any child placed in an
21 institution or in a family home by the department or its
22 agency may be removed by like authority and such disposition
23 made as is for the best interest of the child, including the
24 transfer to another institution, another home, or the home of
25 the child.

26 (4)(a) State foster care funds shall be used to
27 establish a continuum of independent living services to assist
28 adolescent foster children to develop skills that will
29 contribute to a successful transition to adulthood. Services
30 may include, but are not limited to, education and vocational
31

training, homemaking skills, money management, social skills
2 training, and developing personal support systems.

3 **(b) As a part of the continuum for independent living**
4 **services, the department shall establish an independent living**
5 **program in which a minor 16 years of age or older lives**
6 **independent of the daily care and supervision of a responsible**
7 **adult, in a setting that need not be licensed under the**
8 **provisions of s. 409.175, provided the following conditions**
9 **exist:**

10 **1. Independent living arrangements which are**
11 **established for a child shall be part of an overall plan**
12 **leading to the total independence of the child from**
13 **departmental supervision. The plan shall include, but not be**
14 **limited to: a description of the skills of the minor and a**
15 **plan for learning additional identified skills; the behavior**
16 **that the minor has exhibited that indicates an ability to be**
17 **responsible and a plan for developing additional**
18 **responsibilities, as appropriate; documentation of the level**
19 **of school achievement and vocational training and a plan for**
20 **future educational, vocational, and training skills; present**
21 **financial and budgeting capabilities and a plan for improving**
22 **resources and ability; description of the proposed residence;**
23 **documentation that the child understands the specific**
24 **consequences of his or her conduct in the independent living**
25 **program; documentation of proposed services by the department**
26 **and other agencies, including the type of service, and nature**
27 **and frequency of contact; and a plan for maintaining or**
28 **developing relationships with the family, other adults,**
29 **friends, and the community, as appropriate.**

30 **2. Foster care payments in an amount established by**
31 **the department may be made directly to children in independent**

1 living situations who meet the requirements for continued
2 foster care. Individuals who meet the criteria for continued
3 foster care as specified in s. 409.145(3) may also remain
4 eligible for foster care payments.

5 (c) The department shall establish procedures and
6 criteria to assess and determine a child's ability to
7 demonstrate independent living skills.

8 Section 49. Subsection (13) of section 409.175,
9 Florida Statutes, is amended to read:

10 409.175 Licensure of family foster homes, residential
11 child-caring agencies, and child-placing agencies.--

12 (13)(a) In order to provide improved services to
13 children, the department shall provide, or cause to be
14 provided, to-the-extent-possible-within-available-resources,
15 preservice training for prospective foster parents and
16 emergency shelter parents and inservice training for foster
17 parents and emergency shelter parents who are licensed and
18 supervised by the department.

19 (b) As a condition of licensure, foster parents and
20 emergency shelter parents shall successfully complete a
21 minimum of 21 hours of preservice training. The preservice
22 training shall be uniform statewide and shall include, but not
23 be limited to, such areas as:

24 1. Orientation regarding agency purpose, objectives,
25 resources, policies, and services;

26 2. Role of the foster parent and the emergency shelter
27 parent as a treatment team member;

28 3. Transition of a child into and out of foster care
29 and emergency shelter care, including issues of separation,
30 loss, and attachment;

31

4. Management of difficult child behavior that can be intensified by placement, by prior abuse or neglect, and by prior placement disruptions;

5. Prevention of placement disruptions;

6. Care of children at various developmental levels, including appropriate discipline; and

7. Effects of foster parenting on the family of the foster parent and the emergency shelter parent.

(c) Prior to licensure renewal, each foster parent and emergency shelter parent shall successfully complete 8 hours of inservice training. Periodic time-limited training courses shall be made available for selective use by foster parents and emergency shelter parents. Such inservice training shall include subjects affecting the daily living experiences of foster parenting as a foster parent or as an emergency shelter parent, whichever is appropriate. For a foster parent or emergency shelter parent participating in the required inservice training, the department shall reimburse such parent for travel expenditures and, if both parents in a home are attending training or if the absence of the parent would leave the children without departmentally approved adult supervision, either the department shall make provision for child care or shall reimburse the foster or emergency shelter parents for child care purchased by the parents for children in their care.

Section 50. Task Force on the Future of the Florida Family; creation; membership; duties; advisory persons; staffing and support.--

(1) CREATION.--In order to provide a means by which the state may obtain a comprehensive report on the current status and future of the Florida family, obtain a

1 comprehensive range of strategies for addressing issues during
2 the 1989 legislative session, and obtain a reassessment of
3 those issues and recommendations cited in the report of the
4 1975 Florida Task Force on Marriage and the Family Unit to
5 determine the need for action by the Legislature on those
6 issues, there is created the Task Force on the Future of the
7 Florida Family to be composed of 19 members.

8 (2) MEMBERSHIP.--

9 (a) The composition of the Task Force on the Future of
10 the Florida Family shall be as follows:

11 1. Eight members representing the Senate who shall be
12 the chairpersons or their designees of the Senate
13 Appropriations, Education, Health and Rehabilitative Services,
14 and Judiciary-Civil Committees; two senators who shall be
15 appointed by the Minority Leader of the Senate, and two
16 citizens appointed by the President of the Senate.

17 2. Eight members representing the House of
18 Representatives who shall be the chairpersons or their
19 designees of the House Appropriations, Education K-12, Health
20 and Rehabilitative Services, and Judiciary Committees, two
21 legislators who shall be appointed by the Minority Leader of
22 the House of Representatives, and two citizens appointed by
23 the Speaker of the House of Representatives.

24 3. Three members to be appointed by the Governor.

25 (b) The task force shall designate one of its members
26 to serve as chairperson. The duties of the chairperson shall
27 include responsibility for the administration of the task
28 force.

29 (c) Members of the task force shall receive no
30 compensation, but shall be reimbursed for expenses as provided
31 in s. 112.061, Florida Statutes.

- 1 (3) DUTIES OF THE TASK FORCE.--The duties of the task
2 force shall include, but not be limited to, the following:
- 3 (a) Conduct a comprehensive study on the current
4 status and future of the Florida family, including reassessing
5 and evaluating existing laws, rules, programs, and funding
6 pertaining to the family to ascertain what needs to be changed
7 to assure that state government contributes to strengthening
8 of the family and the future of the family.
- 9 (b) Establish priorities on issues that are identified
10 and provide a time line for addressing those issues, with
11 greater emphasis for activity of the task force being given to
12 those issues requiring immediate response by the Legislature,
13 judiciary, or executive agencies.
- 14 (c) Provide a comprehensive range of strategies for
15 addressing the issues identified in the study for
16 consideration during the 1989 and 1990 legislative sessions.
- 17 (d) Reassess those issues and recommendations cited in
18 the study of the 1975 Florida Task Force on Marriage and the
19 Family Unit that did not result in legislative,
20 administrative, or judicial action to determine the need for
21 action, if any, on those issues in the 1989 and 1990
22 legislative sessions.
- 23 (e) Issue a preliminary report on or before March 1,
24 1989, to the President of the Senate, Minority Leader of the
25 Senate, Speaker of the House of Representatives, Minority
26 Leader of the House of Representatives, and the Governor to
27 include a progress report on the activities of the task force
28 and the identification of any issues requiring immediate
29 response by the Legislature during the 1989 legislative
30 session to include specific recommendations on statutory and
31 budgetary changes.

1 (f) Issue a final report to the President of the
2 Senate, Minority Leader of the Senate, Speaker of the House of
3 Representatives, Minority Leader of the House of
4 Representatives, and the Governor by February 1, 1990, which
5 presents the findings of the study and makes such
6 recommendations in the form of proposed legislation and
7 appropriations as are deemed necessary.

8 (g) Appoint, as necessary, advisory persons and groups
9 in the different geographic regions of the state, who will
10 provide information relating to the family for use by the task
11 force.

12 (4) ADVISORY PERSONS AND GROUPS.--

13 (a) Advisory persons and groups may consist of
14 attorneys specializing in family law; judges from the circuit
15 court with experience in family and juvenile law;
16 representatives from the Department of Health and
17 Rehabilitative Services with expertise in areas affecting
18 families and children; educators from the state university and
19 community college systems and other institutions of higher
20 learning specializing in marriage and the family, child
21 development, social work, or other related fields; family
22 counselors; psychologists; psychiatrists; members of the
23 clergy representing different faiths; economists versed in
24 family finances; male and female single parents; teenage
25 parents or persons who raised children as a teenage parent;
26 teenage children of divorced parents; representatives of law
27 enforcement; and other citizens with specialized concern and
28 knowledge in the area of family dynamics.

29 (b) Public hearings, to be attended by members of the
30 task force, may be held in each of the geographic regions
31 where the advisory persons and groups meet.

(c) Persons serving in an advisory capacity shall
serve without any compensation.

(5) OPERATION OF THE TASK FORCE.--

(a) The task force shall be assigned, for
administrative purposes, to the Joint Legislative Management
Committee and shall be subject to the established policies and
procedures of the Division of Administrative Services of the
Joint Legislative Management Committee. The Joint Legislative
Management Committee and each state agency shall provide
assistance when requested by the task force. Additionally,
the task force is authorized to employ consultants as
necessary to fulfill its responsibilities. However, the
employment of consultants, the budget of the task force, and
any transfer of funds by budget amendment must be approved in
advance by the President of the Senate and the Speaker of the
House of Representatives.

(b) The task force shall secure staff assistance and
use clerical resources, materials, and other support services
of the Office of the Governor and other executive agencies,
and coordinate and consult with legislative staff, in order
that maximum expertise may be obtained at minimum costs.

(c) The task force shall use the talents, expertise,
and resources within the state, and especially those of the
university and community college systems, to whatever extent
practicable.

(d) Agencies of state government shall provide to the
task force such information, data, and staff assistance as
requested by the task force.

(e) The task force may apply for and accept funds,
grants, gifts, and services from the state, the Federal
Government, or any other public or private source and is

1 authorized to use funds derived from these sources to defray
2 clerical and administrative costs as may be necessary for the
3 completion of the assigned duties of the task force. Such
4 contributions may also be used in accordance with s. 112.061,
5 Florida Statutes, to defray costs of expenses of task force
6 members and functions of the task force.

7 (6) REPEAL.--This section is repealed July 1, 1990.

8 (7) This section shall take effect December 1, 1988.

9 Section 51. Substance abuse coordination.--

10 (1) There is created a Statewide Coordinator for
11 Substance Abuse Prevention and Treatment which shall be an
12 interdepartmental and interagency position, with respect to
13 the departments and agencies of the state, for programs and
14 services affecting persons who abuse alcohol and drugs. The
15 Statewide Coordinator for Substance Abuse Prevention and
16 Treatment shall be administratively located in an agency as
17 designated by the Governor, but shall function independently
18 of the control and supervision of the administering agency.
19 The statewide coordinator shall report directly to the
20 Governor. The responsibilities of the statewide coordinator
21 shall include, but are not limited to:

22 (a) Developing an annual state comprehensive plan for
23 the war on alcohol and drug abuse which shall include a
24 description of the current problem, data on specialized
25 populations which are currently underserved, and
26 recommendations on the types of programs and services needed
27 to address the substance abuse problem.

28 (b) Coordinating the prevention, education, treatment,
29 and criminal justice activities across the various state
30 agencies.

31

(c) Coordinating the activities of advocacy groups, providers, parents, consumers, religious organizations, and volunteers.

(d) Encouraging the participation of concerned citizens in the development of the state plan as required in paragraph (a) and in fundraising and public awareness efforts.

(2) The Department of Health and Rehabilitative Services, the Department of Education, the Department of Corrections, the Department of Community Affairs, and the Department of Law Enforcement each shall appoint a policy level staff person to serve as the agency substance abuse coordinator. The responsibilities of the agency coordinator shall include interagency and intragency coordination, collection and dissemination of agency specific data relating to substance abuse, and participation in the development of the state plan.

(3) The Department of Health and Rehabilitative Services shall establish, within each of its 11 districts, a full-time position to be filled by a person with expertise in the area of substance abuse who shall serve as a substance abuse prevention coordinator. The primary responsibility of this person shall be to develop and implement activities which foster the prevention of substance abuse.

Section 52. Study on mandated insurance coverage for substance abuse treatment.--

(1) The Department of Insurance shall conduct a study on the feasibility of mandating insurance benefits for alcohol and drug abuse treatment.

(2) Such study shall include:

(a) An assessment of the experience of other states regarding insurance benefits for substance abuse treatment.

1 (b) An assessment of the impact of mandated coverage
2 as specified in s. 624.215, Florida Statutes.

3 (c) Recommendations concerning mandated benefits for
4 substance abuse treatment.

5 (3) The Department of Insurance shall submit a report
6 of the study to the Legislature by March 1, 1989.

7 Section 53. Training programs.--

8 (1) Each state university and community college shall
9 develop courses designed for public school teachers,
10 counselors, physicians, law enforcement personnel and other
11 professionals, to assist them in recognizing symptoms of
12 alcoholism and drug abuse and to identify resources for
13 referral and treatment.

14 (2) Such courses shall be made available to students
15 currently enrolled and for continuing education units.

16 Section 54. Except as otherwise provided herein, this
17 act shall take effect October 1, 1988.

18

19

20 *****

21 ADDITIONAL SPONSORS

22 Kelly, Rochlin, Crady, Diaz-Balart, Clark, Young, Glickman,
23 Coe grove, Arnold, Jamerson, Manson

24

25

26

27 This publication was produced at an average cost of 1.12 cents
28 per single page in compliance with the Rules and for
the information of members of the Legislature and the public.

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REVISED: _____

BILL NO. SB 685

DATE: April 26, 1988Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Lamy</u> <i>[Signature]</i>	<u>Wilson</u> <i>[Signature]</i>	1. HRS	
2. _____	_____	2. GO	<u>18</u>
3. _____	_____	3. AP	
4. _____	_____	4. _____	

1703

SUBJECT: Abuse, Neglect of Aged and Disabled Adults and Children

BILL NO. AND SPONSOR: SB 685 by Senator Grant et al

I. SUMMARY:

A. Present Situation:

Under Chapter 415, F.S., a central abuse registry is established in the Department of Health and Rehabilitative Services (HRS) to receive reports of alleged abuse, neglect or exploitation of aged persons and disabled adults and to receive reports of alleged abuse or neglect of children. The registry accepts reports in writing or through a single statewide toll-free telephone number and is available 24 hours a day seven days a week. The registry not only receives reports but performs such tasks as screening for prior reports, relaying information to investigative staff, monitoring and evaluating the effectiveness of reporting and investigating of reports, and maintaining and producing aggregate statistical data summaries.

Chapter 415, F.S., also provides that a person does not have to report directly to the central registry but may report directly to the local offices of HRS responsible for investigation of reports of abuse, neglect or exploitation. At one time this involved approximately 181 different offices statewide.

Subsections 415.103(3) and 415.504(4), F.S. require that the central abuse registry immediately notify the local HRS staff of all allegations of abuse, neglect or exploitation. No provision is made for trained registry staff to screen calls and refer only those needing immediate action during the night and early morning hours and refer the others within enough time to ensure an investigation within 24 hours.

The description of the registry's required functions varies slightly between the sections relating to aged and disabled adults and those relating to children. For example, provisions in s. 415.103(3)(a)3. and 4., F.S., relating to statistical reports and technical assistance are not included in s. 415.504(4)(a), F.S.

The law does not include any statements regarding the use of an automated system with tracking capability to ensure that critical points of investigation are met and to provide timely management of cases by investigators and supervisors. Current law does not specify types of information that should be gathered on alleged perpetrators during the protective investigation for purposes of the registry.

Chapter 415, F.S., does not require the utilization of standardized risk assessment instruments. According to HRS, workers assess risk without established instruments, providing no consistency among workers. However, it should be noted that the department has developed such an instrument which is being field tested and is to be implemented through policy on a statewide basis.

The current law does not make it incumbent upon the investigator to make certain that identified needed services are provided through early intervention by others within HRS.

Chapter 415 allows indicated reports of abuse to be indexed on the abuse registry only by the name of the abused or neglected aged person, disabled adult, or child.

Provisions on immunity from liability for aged persons and disabled adults and for children differ in the corresponding sections.

Confidentiality protections are provided for reports used in administrative hearings pursuant to ss. 415.103 and 415.504, F.S., in cases of abuse, but not neglect.

Chapter 415, F.S. does not provide a penalty for persons who willfully and knowingly make false reports of abuse, neglect, or exploitation or who cause others to make such reports.

Pursuant to Chapter 20.19, F.S., HRS has a single intake system for dependent and delinquent children. The law does not reflect current distinctions made by 1987 statutory changes in the definition of dependency.

Chapter 415, F.S., refers to investigations as protective investigations while under Chapter 39, F.S., the investigations are considered to be part of the intake process for dependency. Under Chapter 39, F.S., an intake officer handling dependency cases not only investigates to determine dependency and safety, including removal, but also provides or recommends services to the family to prevent removal of a child or to accommodate the possible return of the child. In most locations intake officers under Chapter 39, F.S., handle abuse/neglect investigations, families and children in need of service cases and requests for services. In many areas the same people investigate delinquency cases. With regard to investigations under Aging and Adult Services, investigators handle abuse/neglect investigations, supportive services, home care for the elderly, alternate care for the elderly, alternate care placement and supervision of adult foster home placements.

B. Effect of Proposed Changes:

Senate Bill 685 amends s. 20.19, Florida Statutes; Parts I, III, and IV of Chapter 39, Florida Statutes; and several sections in chapter 415, Florida Statutes. The changes include:

- requiring use of the statewide toll-free hotline to receive all reports of abuse, neglect or exploitation for aged persons, disabled adults and children;
- deleting the requirement for immediate notification of local staff for all reports of abuse, neglect, and exploitation;
- documenting utilization of an automated data system;
- requiring the utilization of standardized risk assessment instruments in protective investigations;
- strengthening the required role of the abuse registry in tracking critical steps in the investigation to make certain that all required actions are taken;
- authorizing the indexing of an indicated report of abuse/neglect/exploitation by names of all subjects of the report;

LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Year 1988	Session Law No. 88-337	LOF Cite	#pp
Prime Bill# HB 614	Sponsor	Comp./Sim. Bills 54 HE 1184 HE 1515	
JLMC Hist. Leg. Cites	Senate pp.#s 128	House pp.#s	#pp
Committee of Ref.	Senate HRS House HRS (S. Comm.)	Previous versions?	

Committee Records

H/S	Committee	Year	Record Series: Folder Title, etc.	Location Cite	#pp
H	Crim J	1988	Rec. Series: (1) 4-3	17/1269	0
				17/1370	3
			HE 1184	17/1371	3
"	HRS	"	Rec. Series: (1)	17/1371	0
"	"	"	"	19/1852	1
"	"	"	HE 614	17/1373	116
"	"	"	HB 1515	19/1864	1
J	HRS	"	Ed. J.C.	15/1703	
"	"	"	H. J.C.		

Senate/House Journals

Page	?	Date	#pp	Page	?	Date	#pp

Tape Recordings

H/S	Floor	Committee/subcommittee	Date	# Tapes	Location Cite

Other Documentation

Record series title, folder title, etc.	Location Cite	#pp

CHAPTER 88-337

Committee Substitute for
House Bill Nos. 614, 103, 220, 85, etc.

An act relating to prevention initiatives; creating the "Family Policy Act"; establishing a legislative goal; establishing provisions, providing legislative intent with respect to foster care; directing the Department of Health and Rehabilitative Services to establish a pilot program to provide assistance and services to shelter and foster care homes and to children placed in foster or shelter care; providing procedures; providing for funding; providing for evaluation; creating the Child Care Partnership Act; providing legislative intent; authorizing a grant program for private employers that contribute to the cost of child care for their employees' dependents; limiting the grant that may be received; requiring maintenance of records; providing that certain support services are part of the cost of care for purposes of the grant, providing that salaries and wages used to compute grants may not be used in computing certain other tax credits, providing for rules; providing for a report to the Office of the Governor and the Legislature; amending s. 402.3195, F.S.; extending the time period for the loan program under the Child Care Facility Trust Fund; revising interest requirements for loans; amending s. 411.103, F.S.; providing a definition; creating s. 411.1072, F.S., providing for the establishment of community resource mother or father pilot programs by the Department of Health and Rehabilitative Services; providing for location of pilot programs; providing for contracts; providing criteria; authorizing the department to require other criteria; authorizing the department to create a community resource mother or father advisory committee; requiring the committee to establish certain program guidelines in conjunction with the department, providing for per diem and travel expenses; providing for terms and membership of committee; requiring preservice and ongoing training, providing for assignment of caseloads; providing for supervision; providing for evaluation; providing for a report; amending s. 20.19, F.S.; conforming duties of program offices and service districts of the Department of Health and Rehabilitative Services relating to abuse, neglect, abandonment, and exploitation of aged persons, disabled adults, and children to reflect changes in protective investigations and current responsibilities, amending s. 39.01, F.S.; providing definitions; amending s. 39.401, F.S.; conforming terminology and procedures to definitions and current practice; providing that priority consideration be given to relative placements over nonrelative placements; amending s. 39.402, F.S.; conforming terminology; amending s. 39.403, F.S.; providing for protective investigation by the department; amending s. 39.404, F.S.; conforming terminology; amending s. 110.1127, F.S., to change a cross-reference; amending s. 415.103, F.S.; renaming the central abuse registry and requiring any report of abuse, neglect, or exploitation to be handled by the central abuse registry and tracking system; delineating functions of the central

abuse registry and tracking system, providing for notification of district staff; providing for indexing of certain information; providing confidentiality of reports in administrative hearing process, amending s. 415.104, F.S., providing standards and procedures for reports and for protective services investigations, amending s. 415.107, F.S.; conforming terminology and procedures, amending s. 415.111, F.S.; providing penalties for making false reports, amending s. 415.503, F.S., providing definitions; amending s. 415.504, F.S., conforming terminology; requiring child abuse and neglect reports to go to the central abuse registry and tracking system, delineating functions of the central abuse registry and tracking system, providing procedures and time frames for notification of district staff, providing for indexing of certain information; providing confidentiality of reports in the administrative hearing process; amending s. 415.505, F.S.; providing standards and procedures for reports and for protective services investigations, amending ss. 415.505, 415.509, and 415.51, F.S., conforming terminology, amending s. 415.507, F.S., relating to medical examinations of abused or neglected children; amending s. 415.511, F.S., providing immunity from liability and prohibiting reprisal against person reporting, amending s. 415.513, F.S.; providing penalties for making a false report, amending s. 359.06, F.S., to change a cross-reference; amending s. 39.41, F.S., providing for court approval of independent living arrangements for certain foster children, requiring the disposition order to provide reasons for nonrelative placements and a determination that certain efforts were made by the Department of Health and Rehabilitative Services; providing conditions; amending s. 39.442, F.S., correcting cross references; amending s. 39.452, F.S., clarifying time frames for preparation and submission of permanent placement plans; delineating persons to receive a copy of the permanent placement plan; specifying possible outcome of plans; requiring a court review within 45 days of submission; specifying elements of review; requiring appointment of guardian ad litem under certain circumstances; providing for amendment to the plan; providing for parental request for court review, amending s. 39.466, F.S., clarifying when advisory hearings are held, providing time frames for adjudicatory hearing, providing for notice, amending s. 39.469, F.S., providing clarification of term used, amending ss. 230.645, 240.235, and 240.35, F.S., providing for fee exemptions under certain circumstances; amending s. 240.36, F.S., correcting a cross reference; amending s. 409.145, F.S., expanding the categories of persons who may continue to receive services in the children's foster care program; amending s. 409.165, F.S., providing for a continuum of independent living services and providing for Department of Health and Rehabilitative Services placement of a child in an independent living situation under certain conditions; authorizing use of state foster care funds for establishment of an independent living program for certain minors, providing procedures, amending s. 409.175, F.S., requiring training of foster parents and emergency shelter parents as a condition of licensure; creating the Task Force on the Future of the

409.175, 409.176, and 959.06 for the existence of a confirmed report made on the personnel as defined in the foregoing provisions. The search shall also include indicated reports prior to July 1, 1987. Reports prior to 1978 shall not be included. If the search reveals an indicated report prior to July 1, 1987, the department shall review the report to determine whether the indicated report shall remain classified as indicated or shall be classified as confirmed according to the definitions in s. 415.503. If the report remains classified as indicated, the individual may not be disqualified. If the report is classified as confirmed, the department shall notify the individual according to the provisions of s. 415.504(4)(d). The department shall report the existence of any confirmed report of abuse and advise the authorized licensing agency, applicant for license, or other authorized agency or person of the results of the search, the date of the report, whether 30 days have elapsed for requests for expunction or amendment, failure of the alleged perpetrator to respond pursuant to s. 415.504(4)(d), results of any hearing conducted by the secretary and any subsequent administrative hearing, and in the case of judicial determination of abuse, the procedure for inspection of court records as set forth in s. 39.411(3). The department shall not release any information on unfounded or indicated reports. Prior to a search being conducted, the department or its designee shall notify such person that an inquiry will be made. The department shall notify each person for whom a search is conducted of the results of the search upon request.

(5) The department shall, with the written consent of a person applying to a licensed child-placing agency for the adoption of a child, search its central abuse registry and tracking system for the existence of a confirmed report and advise the licensed child-placing agency of any such report found and the results of the investigation conducted pursuant thereto, including whether 30 days have elapsed for requests for expunction or amendment, failure of the alleged perpetrator to respond pursuant to s. 415.504(4)(d), and results of any hearing conducted by the secretary and any subsequent administrative hearing held on the report.

(6) Except as provided in subsection (4), the department shall, with the written consent of a person applying to work with children as a volunteer or as a paid employee for a public or private nonprofit agency, or for an individual family, search its central abuse registry and tracking system for the existence of a confirmed report and shall advise such agency or family of any such report found and the results of the investigation conducted pursuant thereto, including whether 30 days have elapsed for requests for expunction or amendment, failure of the alleged perpetrator to respond pursuant to s. 415.504(4)(d), and results of any hearing conducted by the secretary and any subsequent administrative hearing held on the report.

(7) The name of any person reporting child abuse or neglect shall not be released to any person other than employees of the department responsible for child protective services, the central abuse registry and tracking system, or the appropriate state attorney without the written consent of the person reporting. This does not prohibit the subpoenaing of a person reporting child abuse or neglect when deemed necessary by the state attorney or the department to protect a child who is the subject of a report, provided the fact that such person made the report is not disclosed. Any person who reports a case of child abuse or neglect may, at the time he makes the report, request that the department notify him that a child protective investigation

occurred as a result of the report. The department shall mail such a notice to the reporter within 10 days of the completion of the child protective investigation.

Section 27 Section 415.511, Florida Statutes, is amended to read:

415.511 Immunity from liability in cases of child abuse or neglect.--

(1)(a) Any person, official, or institution participating in good faith in any act authorized or required by ss. 415.502-415.514 shall be immune from any civil or criminal liability which might otherwise result by reason of such action.

(b) Except as provided in s. 415.503(8)(f), nothing contained in this section shall be deemed to grant immunity, civil or criminal, to any person suspected of having abused or neglected a child, or committed any illegal act upon or against a child.

(2)(a) No resident or employee of a facility serving children may be subjected to reprisal or discharge because of his actions in reporting abuse or neglect pursuant to the requirements of this section.

(b) Any person making a report under this section shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of such reporting party by reason of his making such report. Any detrimental change made in the residency or employment status of such person, including, but not limited to, discharge, termination, demotion, transfer, or reduction in pay, or benefits or work privileges, or negative evaluations within a prescribed period of time shall establish a rebuttable presumption that such action was retaliatory.

Section 28. Subsection (2) of section 415.513, Florida Statutes, is amended, and subsection (3) is added to said section, to read

415.513 Penalties for failing to report or preventing another person from reporting, or disclosing confidential information relating to, a case of child abuse or neglect, penalties for making a false report.--

(2) Any person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse registry and tracking system or in the records of any child abuse or neglect case, except as provided in ss. 415.502-415.514, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who knowingly and willfully makes a false report of child abuse or neglect, or any person who advises another to make a false report, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Anyone making a report who is acting in good faith is immune from any liability under this subsection.

Section 29. Paragraph (a) of subsection (4) of section 959.06, Florida Statutes, is amended to read:

REVISED: _____

BILL NO. SB 685DATE: April 26, 1988Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Lamy</u> <i>HL</i>	<u>Wilson</u> <i>QW</i>	1. <u>HRS</u>	
2. _____	_____	2. <u>GO</u>	<u>18</u>
3. _____	_____	3. <u>AP</u>	
4. _____	_____	4. _____	

1703

SUBJECT: Abuse, Neglect of Aged and Disabled Adults and Children

BILL NO. AND SPONSOR: SB 685 by Senator Grant et al

I. SUMMARY:

A. Present Situation:

Under Chapter 415, F.S., a central abuse registry is established in the Department of Health and Rehabilitative Services (HRS) to receive reports of alleged abuse, neglect or exploitation of aged persons and disabled adults and to receive reports of alleged abuse or neglect of children. The registry accepts reports in writing or through a single statewide toll-free telephone number and is available 24 hours a day seven days a week. The registry not only receives reports but performs such tasks as screening for prior reports, relaying information to investigative staff, monitoring and evaluating the effectiveness of reporting and investigating of reports, and maintaining and producing aggregate statistical data summaries.

Chapter 415, F.S., also provides that a person does not have to report directly to the central registry but may report directly to the local offices of HRS responsible for investigation of reports of abuse, neglect or exploitation. At one time this involved approximately 181 different offices statewide.

Subsections 415.103(3) and 415.504(4), F.S. require that the central abuse registry immediately notify the local HRS staff of all allegations of abuse, neglect or exploitation. No provision is made for trained registry staff to screen calls and refer only those needing immediate action during the night and early morning hours and refer the others within enough time to ensure an investigation within 24 hours.

The description of the registry's required functions varies slightly between the sections relating to aged and disabled adults and those relating to children. For example, provisions in s. 415.103(3)(a)3. and 4., F.S., relating to statistical reports and technical assistance are not included in s. 415.504(4)(a), F.S.

The law does not include any statements regarding the use of an automated system with tracking capability to ensure that critical points of investigation are met and to provide timely management of cases by investigators and supervisors. Current law does not specify types of information that should be gathered on alleged perpetrators during the protective investigation for purposes of the registry.

Chapter 415, F.S., does not require the utilization of standardized risk assessment instruments. According to HRS, workers assess risk without established instruments, providing no consistency among workers. However, it should be noted that the department has developed such an instrument which is being field tested and is to be implemented through policy on a statewide basis.

The current law does not make it incumbent upon the investigator to make certain that identified needed services are provided through early intervention by others within HRS.

Chapter 415 allows indicated reports of abuse to be indexed on the abuse registry only by the name of the abused or neglected aged person, disabled adult, or child.

Provisions on immunity from liability for aged persons and disabled adults and for children differ in the corresponding sections.

Confidentiality protections are provided for reports used in administrative hearings pursuant to ss. 415.103 and 415.504, F.S., in cases of abuse, but not neglect.

Chapter 415, F.S. does not provide a penalty for persons who willfully and knowingly make false reports of abuse, neglect, or exploitation or who cause others to make such reports.

Pursuant to Chapter 20.19, F.S., HRS has a single intake system for dependent and delinquent children. The law does not reflect current distinctions made by 1987 statutory changes in the definition of dependency.

Chapter 415, F.S., refers to investigations as protective investigations while under Chapter 39, F.S., the investigations are considered to be part of the intake process for dependency. Under Chapter 39, F.S., an intake officer handling dependency cases not only investigates to determine dependency and safety, including removal, but also provides or recommends services to the family to prevent removal of a child or to accommodate the possible return of the child. In most locations intake officers under Chapter 39, F.S., handle abuse/neglect investigations, families and children in need of service cases and requests for services. In many areas the same people investigate delinquency cases. With regard to investigations under Aging and Adult Services, investigators handle abuse/neglect investigations, supportive services, home care for the elderly, alternate care for the elderly, alternate care placement and supervision of adult foster home placements.

B. Effect of Proposed Changes:

Senate Bill 685 amends s. 20.19, Florida Statutes; Parts I, III, and IV of Chapter 39, Florida Statutes; and several sections in chapter 415, Florida Statutes. The changes include:

- requiring use of the statewide toll-free hotline to receive all reports of abuse, neglect or exploitation for aged persons, disabled adults and children;
- deleting the requirement for immediate notification of local staff for all reports of abuse, neglect, and exploitation;
- documenting utilization of an automated data system;
- requiring the utilization of standardized risk assessment instruments in protective investigations;
- strengthening the required role of the abuse registry in tracking critical steps in the investigation to make certain that all required actions are taken;
- authorizing the indexing of an indicated report of abuse/neglect/exploitation by names of all subjects of the report;

- requiring additional information to be obtained on alleged perpetrators;
- requiring the delivery of services through the early intervention of service workers;
- distinguishing the role of the investigator from that of the service worker; and
- specifying the role of the investigator in dependency proceedings.

The legislation also more closely conforms the child abuse portions of the law regarding responsibility of the abuse registry and immunity to those of the aged and disabled adult portions. This bill provides a penalty for false reporting and amends provisions on confidentiality in administrative hearings to make certain that neglect reports are handled similarly to abuse reports.

Sectional Analysis

Section 1. Amends s. 20.19(4)2.e., F.S., to conform responsibilities of the Children, Youth and Families Program Office to changes made in Chapter 39, F.S., last session and to reflect the proposed changes in the intake function at the district level.

Section 2. Amends s. 39.01, F.S., by changing the definition title of "caretaker/homemaker"; changing the term "intake" to refer only to non-dependency cases; changing the term "intake officer" to delete responsibility for dependency cases; and adding definitions of "protective investigation" and "protective investigator."

Section 3. Amends s. 39.401, F.S., to reflect the change in terminology from "intake officer" to "protective investigator." Also states that the protective investigation office receives reports on cases involving abuse, neglect, or abandonment. All other reports are referred to the appropriate service unit of the local Children, Youth, and Families Office. Only abused, abandoned or neglected children are to be delivered to the protective investigation office; others go to the appropriate HRS service unit. The term "caretaker/homemaker" is changed to "housekeeper/homemaker."

Section 4. Amends s. 39.402, F.S., to conform terminology.

Section 5. Amends s. 39.403, F.S., to conform terminology and to require all reports or complaints of abuse or neglect as defined in s. 415.503, F.S., to be reported to the central abuse registry and tracking system. Requires other dependency allegations to be reported to the appropriate service unit of the local Children, Youth, and Families Office. Clarifies to whom a complainant will furnish information.

Section 6. Amends s. 39.404(3) and (6), F.S. to conform to changes in terminology.

Section 7. Amends s. 39.423 to correct a cross-reference.

Section 8. Amends s. 415.103, F.S., to rename the "central abuse registry" as the "central abuse registry and tracking system." Requires all reports to go directly to the registry and tracking system. Clarifies functions the system will enable HRS to perform, including tracking critical steps in the investigative process to ensure compliance with requirements. Provides the "central abuse registry and tracking system with authority to determine which reports require immediate on-site protective investigations and which require investigation

within 24 hours. Provides procedures for notification of the local Aging and Adult Services Office based upon the determination. Permits indexing of an indicated report by names of all subjects of the report. Adds neglect reports to the confidentiality requirement during the administrative hearing process.

Section 9. Amends s. 415.104, F.S., requiring social security number and date of birth, instead of age, for information gathered on persons who are subjects of the report. Requires certain information to be gathered on alleged perpetrators. States that the alleged perpetrator shall cooperate in provision of information. Requires utilization of standardized risk assessment instruments. Expedites delivery of early intervention services.

Section 10. Amends s. 415.107, F.S. to conform changes in terminology and to require reports to be made directly to the central abuse registry and tracking system.

Section 11. Amends s. 415.111, F.S., to conform changes in terminology and to provide a penalty for false reporting or causing others to make a false report. The penalty is a second degree misdemeanor.

Section 12. Amends s. 415.503(4), F.S., to conform terminology.

Section 13. Amends s. 415.504, F.S., to rename the "abuse registry" as the "central abuse registry and tracking system." Requires all reports to go directly to the registry and tracking system. Clarifies functions the system will enable HRS to perform, including tracking critical steps to ensure compliance, maintaining and producing reports, and serving as a resource for evaluation, management, and planning. Provides the registry and tracking system with authority to determine which reports need immediate on-site protective investigations and which require investigations within 24 hours. Provides procedures for notification of local offices. Permits indexing of an indicated report by names of all subjects of the report. Adds neglect reports to the confidentiality requirement during the administrative hearing process.

Section 14. Amends s. 415.505, F.S., to accomplish the identical functions described in section 9.

Section 15. Amends s. 415.5055, F.S., to conform terminology.

Section 16. Amends s. 415.509, F.S., to conform terminology.

Section 17. Amends s. 415.51, F.S., to conform changes in terminology and to require reports to be made directly to the central abuse registry and tracking system.

Section 18. Amends s. 415.511, F.S., to conform the immunity from liability provisions for cases of child abuse or neglect.

Section 19. Amends s. 415.513, F.S., to conform changes in terminology and to provide a penalty for false reporting. Language is identical to proposed change in s. 415.111, F.S.

Section 20. Provides an effective date.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

According to HRS, in order to implement this bill which centralizes receipt, screening, assignment and tracking of reports of abuse, neglect and exploitation of aged and disabled adults and children, \$980,461 will be needed for FY 1988-89 to staff and fully operationalize the central abuse registry and tracking system plus \$4,710,176, for district administrative expenses (staff and computers) for a total of \$5,690,637 for FY 1988-89. The Department of HRS estimates that the annualization of this cost will be \$4,117,364 for FY 1989-90.

This bill is a part of the department's overall Protective Services Initiative which is estimated to cost \$16,544,632 to fully implement in FY 1988-89.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

DATE: April 27, 1988Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Lamy</u> <i>[initials]</i>	<u>Wilson</u> <i>[initials]</i>	1. <u>HRS</u>	<u>Fav/CS</u>
2. _____	_____	2. <u>GO</u>	_____
3. _____	_____	3. <u>AP</u>	_____
4. _____	_____	4. _____	_____

SUBJECT: Abuse, Neglect of Aged and Disabled Adults and Children

BILL NO. AND SPONSOR: CS/SB 685 by HRS Committee and Senator Grant et al

I. SUMMARY:A. Present Situation:

Under chapter 415, F.S., a central abuse registry is established in the Department of Health and Rehabilitative Services (HRS) to receive reports of alleged abuse, neglect or exploitation of aged persons and disabled adults and to receive reports of alleged abuse or neglect of children. The registry accepts reports in writing or through a single statewide toll-free telephone number and is available 24 hours a day seven days a week. The registry not only receives reports but performs such tasks as screening for prior reports, relaying information to investigative staff, monitoring and evaluating the effectiveness of reporting and investigating of reports, and maintaining and producing aggregate statistical data summaries.

Chapter 415, F.S., also provides that a person does not have to report directly to the central registry but may report directly to the local offices of HRS responsible for investigation of reports of abuse, neglect or exploitation. At one time this involved approximately 181 different offices statewide.

Subsections 415.103(3) and 415.504(4), F.S. require that the central abuse registry immediately notify the local HRS staff of all allegations of abuse, neglect or exploitation. No provision is made for trained registry staff to screen calls and refer only those needing immediate action during the night and early morning hours and refer the others within enough time to ensure an investigation within 24 hours.

The description of the registry's required functions varies slightly between the sections relating to aged and disabled adults and those relating to children. For example, provisions in s. 415.103(3)(a)3. and 4., F.S., relating to statistical reports and technical assistance are not included in s. 415.504(4)(a), F.S.

The law does not include any statements regarding the use of an automated system with tracking capability to ensure that critical points of investigations are met and to provide timely management of cases by investigators and supervisors. Current law does not specify types of information that should be gathered on alleged perpetrators during the protective investigation for purposes of the registry.

Chapter 415, F.S., does not require the utilization of standardized risk assessment instruments. According to HRS, workers assess risk without established instruments, providing no consistency among workers. However, it should be noted that HRS has developed such an instrument which is being field tested and is to be implemented through policy on a statewide basis.

The current law does not make it incumbent upon the investigator to make certain that identified needed services are provided through early intervention by others within HRS.

Chapter 415, F.S., allows indicated reports of abuse to be indexed on the abuse registry only by the name of the abused or neglected aged person, disabled adult, or child.

Provisions on immunity from liability for aged persons and disabled adults and for children differ in the corresponding sections.

Confidentiality protections are provided for reports used in administrative hearings pursuant to ss. 415.103 and 415.504, F.S., in cases of abuse, but not neglect.

Chapter 415, F.S., does not provide a penalty for persons who willfully and knowingly make false reports of abuse, neglect, or exploitation or who cause others to make such reports.

Pursuant to chapter 20.19, F.S., HRS has a single intake system for dependent and delinquent children. The law does not reflect current distinctions made by 1987 statutory changes in the definition of dependency.

Chapter 415, F.S., refers to investigations as protective investigations while under chapter 39, F.S., the investigations are considered to be part of the intake process for dependency. Under chapter 39, F.S., an intake officer handling dependency cases not only investigates to determine dependency and safety, including removal, but also provides or recommends services to the family to prevent removal of a child or to accommodate the possible return of the child. In most locations intake officers under chapter 39, F.S., handle abuse/neglect investigations, families and children in need of service cases and requests for services. In many areas the same people investigate delinquency cases. With regard to investigations under Aging and Adult Services, investigators handle abuse/neglect investigations, supportive services, home care for the elderly, alternate care for the elderly, alternate care placement and supervision of adult foster home placements.

B. Effect of Proposed Changes:

Committee Substitute for Senate Bill 685 amends s. 20.19, Florida Statutes; Parts I, III, and IV of chapter 39, Florida Statutes; and several sections in chapter 415, Florida Statutes. These changes include:

- requiring use of the statewide toll-free hotline to receive all reports of abuse, neglect or exploitation for aged persons, disabled adults and children;
- deleting the requirement for immediate notification of local staff for all reports of abuse, neglect, and exploitation;
- documenting utilization of an automated data system;
- requiring the utilization of standardized risk assessment instruments in protective investigations;
- strengthening the required role of the abuse registry in tracking critical steps in the investigation to make certain that all required actions are taken;
- authorizing the indexing of an indicated report of abuse/neglect/exploitation by names of all subjects of the report;

- requiring additional information to be obtained on alleged perpetrators;
- requiring the delivery of services through the early intervention of service workers;
- distinguishing the role of the investigator from that of the service worker; and
- specifying the role of the investigator in dependency proceedings.

The legislation also more closely conforms the child abuse portions of the law regarding responsibility of the abuse registry and immunity to those of the aged and disabled adult portions.

Committee Substitute for Senate Bill 685 provides a penalty for false reporting.

Committee Substitute for Senate Bill 685 amends provisions on confidentiality in administrative hearings to make certain that neglect reports are handled similarly to abuse reports.

Finally, Committee Substitute for Senate Bill 685 amends language in Chapter 39 to provide that adult relatives will be given priority consideration over nonrelative placements when a child must be removed from the home setting because of abuse, abandonment or neglect.

Sectional Analysis

Section 1. Amends s. 20.19(4)2.e., F.S., to conform responsibilities of the Children, Youth and Families Program Office to changes made in Chapter 39, F.S., last session and to reflect the proposed changes in the intake function at the district level.

Section 2. Amends s. 39.01, F.S., by changing the definition title of "caretaker/homemaker"; changing the term "intake" to refer only to non-dependency cases; changing the term "intake officer" to delete responsibility for dependency cases; and adding definitions of "protective investigation" and "protective investigator."

Section 3. Amends s. 39.401, F.S., to reflect the change in terminology from "intake officer" to "protective investigator." Provides that placement with a relative shall be given priority consideration over a nonrelative placement. Also states that the protective investigation office receives reports on cases involving abuse, neglect, or abandonment. All other reports are referred to the appropriate service unit of the local Children, Youth, and Families Office. Only abused, abandoned or neglected children are to be delivered to the protective investigation office; others go to the appropriate HRS service unit. The term "caretaker/homemaker" is changed to "housekeeper/homemaker."

Section 4. Amends s. 39.402, F.S., to conform terminology.

Section 5. Amends s. 39.403, F.S., to conform terminology and to require all reports or complaints of abuse or neglect as defined in s. 415.503, F.S., to be reported to the central abuse registry and tracking system. Requires other dependency allegations to be reported to the appropriate service unit of the local Children, Youth, and Families Office. Clarifies to whom a complainant will furnish information. Conforms changes in terminology.

Section 6. Amends s.39.404(3) and (6), F.S. to conform to changes in terminology.

Section 7. Amends s. 110.1127(3)(a), F.S., to correct a cross-reference.

Section 8. Amends s. 415.103, F.S. to rename the "central abuse registry" as the "central abuse registry and tracking system." Requires all reports to go directly to the registry and tracking system. Clarifies functions the system will enable HRS to perform, including tracking critical steps in the investigative process to ensure compliance with requirements. Provides the central abuse registry and tracking system with authority to determine which reports require immediate on-site protective investigations and which require investigation within 24 hours. Provides procedures for notification of the local Aging and Adult Services Office based upon the determination. Permits indexing of an indicated report by names of all subjects of the report. Adds neglect reports to the confidentiality requirement during the administrative hearing process.

Section 9. Amends s. 415.104, F.S., requiring social security number and date of birth, instead of age, for information gathered on persons who are subjects of the report. Requires certain information to be gathered on alleged perpetrators. States that the alleged perpetrator shall cooperate in provision of information. Requires utilization of standardized risk assessment instruments. Expedites delivery of early intervention services.

Section 10. Amends s. 415.107, F.S. to conform changes in terminology and to require reports to be made directly to the central abuse registry and tracking system.

Section 11. Amends s. 415.111, F.S., to conform changes in terminology and to provide a penalty for false reporting or causing others to make a false report. The penalty is a second degree misdemeanor.

Section 12. Amends s. 415.503(4), F.S., to conform terminology.

Section 13. Amends s. 415.504, F.S., to rename the "abuse registry" as the "central abuse registry and tracking system." Requires all reports to go directly to the registry and tracking system. Clarifies functions the system will enable HRS to perform, including tracking critical steps to ensure compliance, maintaining and producing reports, and serving as a resource for evaluation, management, and planning. Provides the registry and tracking system with authority to determine which reports need immediate on-site protective investigations and which require investigations within 24 hours. Provides procedures for notification of local offices. Permits indexing of an indicated report by names of all subjects of the report. Adds neglect reports to the confidentiality requirement during the administrative hearing process.

Section 14. Amends s. 415.505, F.S., to accomplish the identical functions described in section 9.

Section 15. Amends s. 415.5055, F.S., to conform terminology.

Section 16. Amends s. 415.509, F.S., to conform terminology.

Section 17. Amends s. 415.51, F.S., to conform changes in terminology and to require reports to be made directly to the central abuse registry and tracking system.

Section 18. Amends s. 415.511, F.S., to conform the immunity from liability provisions for cases of child abuse or neglect.

Section 19. Amends s. 415.513, F.S., to conform changes in terminology and to provide a penalty for false reporting. Language is identical to proposed change in s. 415.111, F.S.

Section 20. Amends s. 959.06, F.S., to correct cross-references.

Section 21. Provides an effective date.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

According to HRS, in order to implement this bill which centralizes receipt, screening, assignment and tracking of reports of abuse, neglect and exploitation of aged and disabled adults and children, \$980,461 will be needed for FY 1988-89 to staff and fully operationalize the central abuse registry and tracking system plus \$4,710,176, for district administrative expenses (staff and computers) for a total of \$5,690,637 for FY 1988-89. The Department of HRS estimates that the annualization of this cost will be \$4,117,364 for FY 1989-90.

This bill is a part of the department's overall Protective Services Initiative which is estimated to cost \$16,544,632 to fully implement in FY 1988-89.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Lamy <i>[Signature]</i>	Wilson <i>[Signature]</i>	1. HRS	_____
2. _____	_____	2. GO	_____
3. _____	_____	3. AP	_____
4. _____	_____	4. _____	_____ <i>18</i>

1703

SUBJECT: Abuse, Neglect of Aged and Disabled Adults and Children

BILL NO. AND SPONSOR: PCS/SB 685 by HRS Committee and Senator Grant et al

I. SUMMARY:

A. Present Situation:

Under chapter 415, F.S., a central abuse registry is established in the Department of Health and Rehabilitative Services (HRS) to receive reports of alleged abuse, neglect or exploitation of aged persons and disabled adults and to receive reports of alleged abuse or neglect of children. The registry accepts reports in writing or through a single statewide toll-free telephone number and is available 24 hours a day seven days a week. The registry not only receives reports but performs such tasks as screening for prior reports, relaying information to investigative staff, monitoring and evaluating the effectiveness of reporting and investigating of reports, and maintaining and producing aggregate statistical data summaries.

Chapter 415, F.S., also provides that a person does not have to report directly to the central registry but may report directly to the local offices of HRS responsible for investigation of reports of abuse, neglect or exploitation. At one time this involved approximately 181 different offices statewide.

Subsections 415.103(3) and 415.504(4), F.S. require that the central abuse registry immediately notify the local HRS staff of all allegations of abuse, neglect or exploitation. No provision is made for trained registry staff to screen calls and refer only those needing immediate action during the night and early morning hours and refer the others within enough time to ensure an investigation within 24 hours.

The description of the registry's required functions varies slightly between the sections relating to aged and disabled adults and those relating to children. For example, provisions in s. 415.103(3)(a)3. and 4., F.S., relating to statistical reports and technical assistance are not included in s. 415.504(4)(a), F.S.

The law does not include any statements regarding the use of an automated system with tracking capability to ensure that critical points of investigations are met and to provide timely management of cases by investigators and supervisors. Current law does not specify types of information that should be gathered on alleged perpetrators during the protective investigation for purposes of the registry.

Chapter 415, F.S., does not require the utilization of standardized risk assessment instruments. According to HRS, workers assess risk without established instruments, providing no consistency among workers. However, it should be noted that HRS has developed such an instrument which is being field tested and is to be implemented through policy on a statewide basis.

The current law does not make it incumbent upon the investigator to make certain that identified needed services are provided through early intervention by others within HRS.

Chapter 415, F.S., allows indicated reports of abuse to be indexed on the abuse registry only by the name of the abused or neglected aged person, disabled adult, or child.

Provisions on immunity from liability for aged persons and disabled adults and for children differ in the corresponding sections.

Confidentiality protections are provided for reports used in administrative hearings pursuant to ss. 415.103 and 415.504, F.S., in cases of abuse, but not neglect.

Chapter 415, F.S., does not provide a penalty for persons who willfully and knowingly make false reports of abuse, neglect, or exploitation or who cause others to make such reports.

Pursuant to chapter 20.19, F.S., HRS has a single intake system for dependent and delinquent children. The law does not reflect current distinctions made by 1987 statutory changes in the definition of dependency.

Chapter 415, F.S., refers to investigations as protective investigations while under chapter 39, F.S., the investigations are considered to be part of the intake process for dependency. Under chapter 39, F.S., an intake officer handling dependency cases not only investigates to determine dependency and safety, including removal, but also provides or recommends services to the family to prevent removal of a child or to accommodate the possible return of the child. In most locations intake officers under chapter 39, F.S., handle abuse/neglect investigations, families and children in need of service cases and requests for services. In many areas the same people investigate delinquency cases. With regard to investigations under Aging and Adult Services, investigators handle abuse/neglect investigations, supportive services, home care for the elderly, alternate care for the elderly, alternate care placement and supervision of adult foster home placements.

B. Effect of Proposed Changes:

Proposed Committee Substitute for Senate Bill 685 amends s. 20.19, Florida Statutes; Parts I, III, and IV of chapter 39, Florida Statutes; and several sections in chapter 415, Florida Statutes. These changes include:

- requiring use of the statewide toll-free hotline to receive all reports of abuse, neglect or exploitation for aged persons, disabled adults and children;
- deleting the requirement for immediate notification of local staff for all reports of abuse, neglect, and exploitation;
- documenting utilization of an automated data system;
- requiring the utilization of standardized risk assessment instruments in protective investigations;
- strengthening the required role of the abuse registry in tracking critical steps in the investigation to make certain that all required actions are taken;
- authorizing the indexing of an indicated report of abuse/neglect/exploitation by names of all subjects of the report;

- requiring additional information to be obtained on alleged perpetrators;
- requiring the delivery of services through the early intervention of service workers;
- distinguishing the role of the investigator from that of the service worker; and
- specifying the role of the investigator in dependency proceedings.

The legislation also more closely conforms the child abuse portions of the law regarding responsibility of the abuse registry and immunity to those of the aged and disabled adult portions.

Proposed Committee Substitute for Senate Bill 685 provides a penalty for false reporting.

Proposed Committee Substitute for Senate Bill 685 amends provisions on confidentiality in administrative hearings to make certain that neglect reports are handled similarly to abuse reports.

Finally, Proposed Committee Substitute for Senate Bill 685 amends language in Chapter 39 to provide that adult relatives will be given priority consideration over nonrelative placements when a child must be removed from the home setting because of abuse, abandonment or neglect.

Sectional Analysis

Section 1. Amends s. 20.19(4)2.e., F.S., to conform responsibilities of the Children, Youth and Families Program Office to changes made in Chapter 39, F.S., last session and to reflect the proposed changes in the intake function at the district level.

Section 2. Amends s. 39.01, F.S., by changing the definition title of "caretaker/homemaker"; changing the term "intake" to refer only to non-dependency cases; changing the term "intake officer" to delete responsibility for dependency cases; and adding definitions of "protective investigation" and "protective investigator."

Section 3. Amends s. 39.401, F.S., to reflect the change in terminology from "intake officer" to "protective investigator." Provides that placement with a relative shall be given priority consideration over a nonrelative placement. Also states that the protective investigation office receives reports on cases involving abuse, neglect, or abandonment. All other reports are referred to the appropriate service unit of the local Children, Youth, and Families Office. Only abused, abandoned or neglected children are to be delivered to the protective investigation office; others go to the appropriate HRS service unit. The term "caretaker/homemaker" is changed to "housekeeper/homemaker."

Section 4. Amends s. 39.402, F.S., to conform terminology.

Section 5. Amends s. 39.403, F.S., to conform terminology and to require all reports or complaints of abuse or neglect as defined in s. 415.503, F.S., to be reported to the central abuse registry and tracking system. Requires other dependency allegations to be reported to the appropriate service unit of the local Children, Youth, and Families Office. Clarifies to whom a complainant will furnish information. Conforms changes in terminology.

Section 6. Amends s.39.404(3) and (6), F.S. to conform to changes in terminology.

Section 7. Amends s. 110.1127(3)(a), F.S., to correct a cross-reference.

Section 8. Amends s. 415.103, F.S. to rename the "central abuse registry" as the "central abuse registry and tracking system." Requires all reports to go directly to the registry and tracking system. Clarifies functions the system will enable HRS to perform, including tracking critical steps in the investigative process to ensure compliance with requirements. Provides the central abuse registry and tracking system with authority to determine which reports require immediate on-site protective investigations and which require investigation within 24 hours. Provides procedures for notification of the local Aging and Adult Services Office based upon the determination. Permits indexing of an indicated report by names of all subjects of the report. Adds neglect reports to the confidentiality requirement during the administrative hearing process.

Section 9. Amends s. 415.104, F.S., requiring social security number and date of birth, instead of age, for information gathered on persons who are subjects of the report. Requires certain information to be gathered on alleged perpetrators. States that the alleged perpetrator shall cooperate in provision of information. Requires utilization of standardized risk assessment instruments. Expedites delivery of early intervention services.

Section 10. Amends s. 415.107, F.S. to conform changes in terminology and to require reports to be made directly to the central abuse registry and tracking system.

Section 11. Amends s. 415.111, F.S., to conform changes in terminology and to provide a penalty for false reporting or causing others to make a false report. The penalty is a second degree misdemeanor.

Section 12. Amends s. 415.503(4), F.S., to conform terminology.

Section 13. Amends s. 415.504, F.S., to rename the "abuse registry" as the "central abuse registry and tracking system." Requires all reports to go directly to the registry and tracking system. Clarifies functions the system will enable HRS to perform, including tracking critical steps to ensure compliance, maintaining and producing reports, and serving as a resource for evaluation, management, and planning. Provides the registry and tracking system with authority to determine which reports need immediate on-site protective investigations and which require investigations within 24 hours. Provides procedures for notification of local offices. Permits indexing of an indicated report by names of all subjects of the report. Adds neglect reports to the confidentiality requirement during the administrative hearing process.

Section 14. Amends s. 415.505, F.S., to accomplish the identical functions described in section 9.

Section 15. Amends s. 415.5055, F.S., to conform terminology.

Section 16. Amends s. 415.509, F.S., to conform terminology.

Section 17. Amends s. 415.51, F.S., to conform changes in terminology and to require reports to be made directly to the central abuse registry and tracking system.

Section 18. Amends s. 415.511, F.S., to conform the immunity from liability provisions for cases of child abuse or neglect.

Section 19. Amends s. 415.513, F.S., to conform changes in terminology and to provide a penalty for false reporting. Language is identical to proposed change in s. 415.111, F.S.

Section 20. Amends s. 959.06, F.S., to correct cross-references.

Section 21. Provides an effective date.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

According to HRS, in order to implement this bill which centralizes receipt, screening, assignment and tracking of reports of abuse, neglect and exploitation of aged and disabled adults and children, \$980,461 will be needed for FY 1988-89 to staff and fully operationalize the central abuse registry and tracking system plus \$4,710,176, for district administrative expenses (staff and computers) for a total of \$5,690,637 for FY 1988-89. The Department of HRS estimates that the annualization of this cost will be \$4,117,364 for FY 1989-90.

This bill is a part of the department's overall Protective Services Initiative which is estimated to cost \$16,544,632 to fully implement in FY 1988-89.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

STORAGE NAME: \dw\8sum\h614aa 11
Date May 18, 1988

HOUSE OF REPRESENTATIVES
COMMITTEE ON HEALTH & REHABILITATIVE SERVICES
(AS PASSED BY THE HOUSE -- MAY 12, 1988)
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS/HB 614

RELATING TO: Prevention Initiative

SPONSOR(S): HRS, Youth, and Commerce Committees

EFFECTIVE DATE: October 1, 1988

COMPANION BILL(S):

OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2)

I. SUMMARY:

CS/HB 614 combines eight bills relating to prevention that contain provisions which will strengthen Florida's families, will improve the care of Florida's children and families in need of assistance, and will enhance the opportunity for all children to grow to adulthood without the debilitating effects of inadequate child care, substance abuse, child neglect and abuse, teenage pregnancy, and inadequate foster care. These bills taken together provide a comprehensive prevention initiative. The following list identifies those bills and the sections of CS/HB 614 in which they are contained: HB 614, Florida Family Policy Act (Sections 1-2); HB 103, Shelter or Foster Care (Section 3); CS/HBs 220 & 85, Child Care Partnership Act (Sections 4-6), CS/HB 549, Community Resource Mother or Father Programs (Sections 7-8); HB 1515, Abuse/Neglect of Aged, Disabled Adults, & Children (Sections 9-29), HB 1518, Foster Care (Sections 30-41); HB 1545, Marriage and the Family Unit (Section 42), and HB 1546, Substance Abuse Prevention (Sections 43-45).

A. PRESENT SITUATION:

Florida Family Policy Act

Current Florida law does not contain a specific statement on overall legislative goals for all of Florida's families. At the hearings of the Ad Hoc Committee on Children during the interim, speakers indicated the need for Florida to have established certain basic goals for families that should be used as the standard for the state. According to the persons who testified at the hearings, the goals identified should be used as principles to guide public policy toward families and children and the actions of the state agencies and the Legislature when its actions involve families.

Shelter or Foster Care.

The Department of Health and Rehabilitative Services estimates that on June 30, 1987, there will be 6,500 children in residential care in the foster care program and another 2,000 children receiving post placement services. The state pays the following for foster home care:

Type of Care	Age of Child	Amount/Month
Normal	0 - 11	\$233
	12+	\$293
Moderate	0 - 11	\$247
	12+	\$309
Intensive	0 - 11	\$261
	12+	\$320

The monthly payment includes provision for allowance, clothing, incidentals, and general care of the child. The state does provide an additional \$100 school clothing allowance for school age children. Children in foster care are Medicaid eligible.

All medical care is paid for through Medicaid, if possible. Children in foster care are not able to receive state supported orthodontal care, because there is no coverage under Medicaid for such care. Mental health services can be accessed for children, however, this does not mean that funding is available to cover the services needed by all the children.

According to the Department of HRS, 45 percent of all children in shelter or foster care present medical, emotional/behavioral, developmental, or other problems that require specialized services. In surveys that have been conducted over the past few years, shelter and foster care parents have expressed concern that they do not have the skills, resources, or support to handle these children.

Existing funding and resources within the Department of HRS are either targeted for specific child populations or are utilized to purchase a unique service. Services provided to children are dependent upon their point of entry into care and the categorical restrictions placed on the service. Funding for shelter and foster care is intended to reimburse these substitute parents for basic expenses only. For dependent children in shelter and foster care, there are few sources of funding to cover their needs beyond basic medical and mental health services.

There are approximately 3400 licensed foster homes. The families are not provided with any respite care or temporary relief care. No paraprofessionals or aides are available to assist in transportation of children to routine appointments, or other special trips, thereby, leaving this responsibility for either the foster parent or the foster care worker. Currently, the foster care program is staffed to meet approximately 70 percent of the need. That is, foster care is budgeted to have a staff to child ratio of 1:28, when the maximum caseload level recognized by Child Welfare League of America is 1:20. The actual filled positions would only accommodate meeting a need of approximately 60 to 65 percent.

As of June 30, 1987, Florida had 1010 children in shelter care with a licensed capacity of 1023 beds, 465 of which are in family shelters. Unlike foster care, shelter care is intended to be a short-term placement for children who need to be removed from their families in order to protect them, who need to be temporarily housed until a judicial determination on dependency and placement can be made, who are in foster care but due to circumstances must be moved from one placement to another, and who are runaway children. The rate of pay for shelter care in family shelter is \$10/day for children ages 0-11 and \$11/day for children 12 and older. In addition to the per diem rate the homes receive a bed subsidy of \$50/month/bed. This subsidy ensures the availability of a bed at any time it might be needed. As with foster care children, certain services are available to children in emergency shelter. However, emergency shelters, like foster homes, are not provided many of the support services mentioned in Section 3 of the legislation.

Finally, the state does not have a continuum of services available to families of children who are at risk of having children removed from the home for placement in shelter or foster care. The state does have some services for at-risk families and children, but they are not always available when needed and they are not uniform throughout the state.

Child Care Partnership Act

Currently, s. 220.12, Florida Statutes, which defines net income, allows a deduction for child care facility start-up costs. These costs are defined in s. 220.03(1)(ee), F.S., as being: expenditures for equipment (including playground equipment, kitchen appliances, and cooking equipment) and real property (including land and improvements), used to establish a child care facility as defined by s. 402.032(4), F.S. This facility must be located in the state, on the premises, or within 5 miles of the employees' workplace and used exclusively by the employees of the taxpayer. This deduction is applied to the corporation's income.

Section 402.3195, Florida Statutes, creates a trust fund to be used by the Department of Health and Rehabilitative Services in the expanding or establishing of child care facilities. The applicants for these funds must be deemed eligible by the department and the loans may not exceed \$100,000. Currently this section is due to expire June 30, 1988, and the funds shall revert to the General Revenue Fund.

Community Resource Mothers and Fathers

Chapter 411, the Handicap Prevention Act, establishes a continuum of prevention services to high-risk and handicapped children as a basis for the intra-agency and interagency program coordination, monitoring, and analysis required of the Departments of HRS and Education. The continuum includes areas for both single and multi-departmental implementation depending upon the availability of resources. The continuum includes family life education and support services prior to pregnancy, maternity and newborn services; health services for preschool children; education and related services for handicapped and high-risk preschool children; and support services for high-risk and handicapped children and their families. Chapter 411 establishes certain programs such as developmental intervention and parent support and training programs and foster grandparent and retired senior volunteer services to high-risk and handicapped children. The law also requires the provision of specific prenatal services for low income women.

In the state there are programs that address working directly with parents of at-risk or handicapped children in a peer group setting, such as the parent groups in the various chapters of Parent to Parent of Florida, which provides peer support to parents of handicapped children. The Home Instruction Program for Preschool Youngsters (HIPPPY) that is being used in Dade County uses paraprofessional aides, recruited from within the target community, to provide a home-based educational intervention program with mothers of disadvantaged preschool children. The Rural Efforts to Assist Children at Home (REACH) program uses nurses to teach families of chronically ill children to become the primary case manager for their own children. There is, however, no single program that encompasses all of the ingredients of the resource mothers or fathers pilot program proposed by this legislation.

Abuse/Neglect of Aged, Disabled Adults, and Children

Under Chapter 415, F.S., a central abuse registry is established to receive reports of alleged abuse, neglect or exploitation of aged persons and disabled adults and to receive reports of alleged abuse or neglect of children. The registry accepts reports in writing or through a single statewide toll-free telephone number and is available 24 hours a day seven days a week. The registry not only receives reports but performs such tasks as screening for prior reports, relaying information to investigative staff, monitoring and evaluating effectiveness of reporting and investigating of reports, and maintaining and producing aggregate statistical data summaries.

Chapter 415, F.S., also provides that a person does not have to report directly to the central registry but may report directly to local offices of the department responsible for investigation of reports of abuse, neglect or exploitation. At one time this involved approximately 181 different offices statewide.

Subsections 415.103(3) and 415.504(4), F.S., require that the central abuse registry immediately notify the local staff of the department of all allegations of abuse, neglect or exploitation. No provision is made for trained registry staff to screen calls and refer only those needing immediate action during the night and early morning hours and refer others within enough time to ensure an investigation within 24 hours.

The description of the registry's required functions varies slightly between the sections governing aged and disabled adults and those governing children. For example, provisions similar to s. 415.103(3)(a)3. and 4., F.S., are not included in s. 415.504(4)(a), F.S. The language in the law does not reflect the requirements for classifying records. The law does not include any statements regarding the use of an automated system with tracking capability to ensure that critical points of investigation are met and to provide timely management of cases by investigators and supervisors.

Current law does not specify types of information that should be gathered on alleged perpetrators during the protective investigation for purposes of the registry.

Chapter 415, F.S., does not require the utilization of standardized risk assessment instruments. According to the department, workers assess risk without established instruments, providing no consistency or framework. However, it

should be noted that the department has developed such an instrument which is being field tested and is to be implemented through policy on a statewide basis.

The current law does not make it incumbent upon the investigator to make certain that identified needed services are provided through early intervention of others within the department.

Chapter 415 allows indicated reports of child abuse to be indexed on the abuse registry only by the name of the abused or neglected aged person, disabled adult, or child.

Provisions in the corresponding sections on immunity from liability for aged persons and disabled adults and for children contain different protections.

The confidentiality of reports used in administrative hearings pursuant to ss 415.103 and 415.504, F.S., is extended to cases of abuse but not neglect.

Chapter 415, F.S., does not provide a penalty for persons who willfully and knowingly make false reports of abuse, neglect, or exploitation or who cause others to make such reports

Pursuant to Chapter 20.19, F.S., the Department of HRS has a single intake system for dependent and delinquent children. The law does not reflect current distinctions made by 1988 statutory changes in the definition of dependency.

Chapter 415, F.S., refers to investigations as protective investigations while under Chapter 39, F.S., the investigations are considered to be part of the intake process for dependency. Under Chapter 39, F.S., an intake officer handling dependency cases not only investigates to determine dependency and safety, including removal, but also provides or recommends services to the family to prevent removal of a child or to accommodate the possible return of the child. In most locations intake officers under Chapter 39, F.S., handle abuse/neglect investigations, families and children in need of service cases and requests for services. In many areas the same people investigate delinquency cases. With regard to investigations under Aging and Adult Services, investigators handle abuse/neglect investigations, supportive services, home care for the elderly, alternate care for the elderly, alternate care placement and supervision of adult foster home placements.

Foster Care

Independent living for youth in foster care is established as a placement option in s. 39.45(2), F.S., and a brief description of this option is contained in s. 409.175(3)(e), F.S. The statute, however, does not specifically authorize direct board payments to foster youth who are in independent living placements although it has been interpreted to imply the authorization. Current law does not define an independent living service continuum to address the needs of all foster care youth whether or not they choose or would benefit from an independent living placement.

In July 1987, Florida received \$634,529 in federal funds to develop a state program to prepare foster care youth for independence. These funds are targeted for use with 16 and 17 year old youth eligible under Title IV-E of the Social Security Act who are in licensed foster care placements. The current funding

will expire September 30, 1988, however, the Department of Health and Rehabilitative Services (HRS) has requested second year funding.

As of December 1987, 36 foster care youth were in independent living placements and approximately 150 were preparing to enter placements.

Under current law, the Department of Health and Rehabilitative Services may continue to provide foster care services to a person 18 to 21 years of age if the person is enrolled in high school or in a program that will lead to the obtaining of a high school equivalency diploma and if specified conditions are met. The conditions include the commitment of the person as a child to the department for dependency, the lack of any alternative placement, and a signed written service agreement between all parties. Services are terminated upon completion of, or withdrawal or expulsion from, the school or program.

According to the student financial aid program, foster youth are eligible for aid under s. 240.404, F.S., if they desire to pursue a post-secondary education. The awareness level of foster care youth in all districts who could access this aid was brought into question by the Department of HRS. Even if such loans are available, they have no source of support beyond their eighteenth birthday. According to the Department of HRS, academically able foster children currently cannot attend college unless a foster parent or other interested person volunteers to provide them a home.

With regard to foster parent training, the Subcommittee heard testimony from Mr. Carl Brown, Vice-President of the International Foster Parent Association, that required, uniform, statewide training of foster parents is essential to a good foster care program. Mr. Brown stated that such a requirement should extend to pre-service and in-service training. Current law, s. 409.175, F.S., requires that the department provide pre-service and in-service training for foster parents "to the extent possible within existing resources." Administrative rule 10M-6, F.A.C., requires pre-service training for licensure and states that in-service training opportunities must be made available. Numbers of hours are not specified. According to the Department of HRS, in practice, most new foster parents attend six two-hour training sessions as part of the initial licensure. Training content and quality and availability of in-service training are determined and implemented at the district level. The effectiveness of the training in preparation of and support for foster parents has been questioned by both the department and foster parents. Currently, the Department of HRS is discussing utilizing a training package developed by the Center for Foster-Residential Care of the Child Welfare Institute. The Model Approach to Partnerships in Parenting (MAPPP) requires 30 hours of pre-service training.

Section 39.452, F.S., delineates the requirements for a permanent placement plan in lieu of a performance agreement. Although the existing language provides that time frames for a plan should be the same as for an agreement, there appears to be confusion regarding time lines for the plan. In 1987 changes were made to require a hearing within 45 days of a court receiving a performance agreement, however, the new law did not specify that such a hearing would be held on a permanent placement plan. In some circuits hearings are being held; in others they are not.

Finally, s. 39.649(1), F.S., states that predispositional studies in termination of parental rights cases may be presented to the court by an authorized agent of

the department. When adoption services are provided by contract with a private licensed child-placing agency, the courts may refuse to accept reports prepared by these agencies

Marriage and the Family Unit

Currently there is no required examination of Florida laws, appropriations, rules, and policies as they relate to the Florida family to determine whether or not they support the family unit.

Substance Abuse Prevention

Florida's substance abuse problem has reached epidemic proportions and continues to be of major concern to the citizens of this state. While Florida's problems of alcohol abuse and alcoholism seem to be keeping pace with the national average, the drug abuse problem is far more acute here than anywhere else in the nation. In 1986-87, 18,986 people were admitted to drug treatment programs and over 81,000 were served in alcohol treatment programs. Sixty-four percent of all juvenile arrests in Florida involved alcohol or drug abuse. According to recent statistics released by the Florida Department of Law Enforcement, arrests for cocaine rose 32.8% last year; property crimes, which oftentimes are driven by an addict's need to finance his habit, increased by 6.7%; and overall arrests rose by 9.8% while arrests for drug offenses rose by 21.2%.

Persons who are drug dependent or alcoholics often enter treatment programs only to find that treatment is not covered by their health insurance as is their treatment for other health problems. Many health insurance programs specifically exclude treatment for alcoholism or drug dependency or will only pay for detoxification or other acute medical care, rather than for less expensive, free-standing residential or outpatient programs. Section 627.669, Florida Statutes, requires that insurers and others who transact group health insurance or prepaid health care make available to policyholders optional coverage for alcoholism and drug dependency.

Several agencies are involved in programs designed to control the substance abuse problem. These agencies are the Department of Health and Rehabilitative Services, the Department of Corrections, the Department of Education, the Department of Community Affairs and the Department of Law Enforcement. Currently, coordination of these agencies' efforts in addressing the substance abuse problem have been through The Substance Abuse Policy Advisory Council (SAPAC) which was created by the Governor. Each agency has representation on this council and members meet to share information and to provide assistance in the development of an integrated policy.

B. EFFECT OF PROPOSED CHANGES

Florida Family Policy Act

Section 1 of the bill creates the "Florida Family Policy Act" which establishes the primary goal of the Legislature to be that of protecting, preserving, and enhancing the stability and quality of Florida's families through funding of programs and services and the enforcement of laws and policies to prevent family dysfunction and the loss of family independence. Section 2 of the legislation specifies what the Legislature should seek to provide to all families in order to meet the goal of the Family Policy Act.

Shelter or Foster Care

Section 3 of the legislation requires the Department of HRS to establish a two year pilot program in one rural and one urban county to provide funding incentives and resources to "fully provide" assistance and services to shelter and foster homes and the children in care. The pilot program would include arranging and making available to all children in care discretionary funding of at least \$500/yr./child to meet his/her special needs for such things as medical care, dental care, mental health services, accelerated family reunification services or other permanent planning services, educational services, social and recreational services, advocacy services and respite services. In the pilot areas foster homes and shelter homes would receive training, technical assistance, advocacy, respite care or temporary relief care, and assistance in transportation to appointments and other related activities as they pertain to the children in care. The shelter and foster care units in the pilot areas would be staffed at 100 percent of need, would receive intensive training in certain areas, and would be provided other support assistance to aid in the acceleration of family reunification or other permanency planning decisions.

HRS districts are to compete for selection for funding as a pilot. The Department of HRS will establish a request for proposal to which districts will respond.

An evaluation of the two year pilot is required to be done either by the Inspector General's Office of the Department of HRS or through contract. The evaluation is for the purpose of determining the impact the pilot has on the children involved, population served, family reunification/permanency planning, availability of shelter and foster care, cost, at-risk families and children, and whether or not the pilot efforts should be expanded to other areas of the state, and, if so, in what form.

Child Care Partnership Act

Sections four through six of the legislation contain two distinct provisions concerning employee related child care. Legislative intent language is given citing the benefits of contributions toward the cost of child care for both the employees and the employer.

The first provision creates a matching grant program for employers which contribute to the cost of child care for their Florida employees' dependents. The Child Care Partnership Act would allow the employer to apply for a grant for an amount up to 50% of what it had expended toward these costs. Another part of the first provision establishes a grant ceiling. The Child Care Partnership Act also prohibits figuring in any salaries or wages used in applying for the grant towards the enterprise zone jobs credit.

The second provision extends the time period for the loan program, under the Child Care Facility Trust Fund, to June 30, 1993. This fund was created to grant loans to help expand existing child care facilities and establish new ones. The section is also amended to provide a 1% interest rate for loans to child care facilities with 75% or greater of slots committed to serve the subsidized child care program.

Community Resource Mothers and Fathers

Sections 7-8 of this act expand the continuum of services

authorized in the Handicap Prevention Act by authorizing HRS to establish pilot community resource mothers or fathers programs in counties with high incidences of medically underserved high-risk children, low birthweight babies, and high infant mortality rates.

Abuse/Neglect of Aged, Disabled Adults, and Children

Sections 9 through 28 of the legislation amend s. 20.19, F.S., Parts I, III, and IV of Chapter 39, F.S., and several sections in Chapter 415, F.S., to address concerns that are mentioned in the present situation portion of the staff analysis. Those changes are:

- o requiring use of the statewide toll-free hotline to receive all reports of abuse, neglect or exploitation for aged persons, disabled adults and children;
- o deleting the requirement for immediate notification of local staff for all reports of abuse, neglect, and exploitation;
- o documenting utilization of an automated data system;
- o requiring the utilization of standardized risk assessment instruments in protective investigations;
- o strengthening the required role of the abuse registry in tracking critical steps in the investigation to make certain that all required actions are taken;
- o authorizing the indexing of an indicated report of abuse/neglect/exploitation by names of all subjects of the report;
- o requiring additional information to be obtained on alleged perpetrators;
- o requiring the delivery of services through the early intervention of services workers;
- o distinguishing the role of the investigator from that of the service worker; and
- o specifying the role of the investigator in dependency proceedings

The legislation also more closely conforms the child abuse portions of the law regarding responsibility of the abuse registry and immunity to those of the aged and disabled adult portions.

Section 28 provides a penalty for false reporting.

Sections 16 and 21 amend provisions on confidentiality in administrative hearings to make certain neglect reports are handled similarly to abuse reports.

Finally, Section 11 of the legislation amends language in Chapter 39 to provide that adult relatives will be given priority consideration over non-relative placements when a child must be removed from the home setting because of abuse, abandonment or neglect.

Foster Care

Section 30 establishes as a dispositional alternative for the court the placement of eligible foster care youth into independent living placements. Section 40 authorizes direct board payments to such youths and clarifies the need for continued case planning and court review. Section 40 also establishes a continuum of independent living services with an optional component being that of living in an independent setting. Section 39 of the legislation amends s. 409.145(3), F.S., to provide continued board payment for a foster child in a vocational training program as well as to provide continued payment for certain foster children who pursue post-secondary educations. For those pursuing post-secondary education, provision is made for the payment to go to foster parents, the youth in an independent living setting, or directly to the college or university.

Sections 230.645, 240.235, and 240.35, F.S., are amended to provide fee exemptions for those foster children qualifying under s. 409.145(3), F.S., provided they have sought and been denied funds under s. 240.404, F.S., that would cover all undergraduate fees. The length of qualification for fee exemption varies dependent upon whether it is a university, community college, or vocational-technical school.

Section 409.175, F.S., is amended to require a minimum of 21 hours of pre-service training for foster and shelter parents. The training is to be uniform statewide and to cover at least certain topics. In-service training of 8 hours is required before relicensure. Parents participating in in-service training are to be reimbursed for travel expenses and child care under certain conditions.

Section 39.41, F.S. is amended to require the court to include reasons in the dispositional order for not placing a child with adult relatives and to include a determination regarding the efforts of the Department of HRS to locate relatives willing to take a child into custody.

The permanent placement plan provision of s. 39.452, F.S., is substantially reworded to clarify time frames and actions to be taken regarding the plan. Also, a requirement for a 45 day hearing similar to that for a performance agreement is added.

Section 39.466, F.S., is added to clarify the types of adoption cases required to use an advisory hearing and to set timeframes for hearings for voluntary cases under s. 39.464(1).

Section 39.469, F.S., is amended to permit licensed child-placing agencies to be participants in the dispositional phase of a termination of parental rights proceeding.

Section 39.442, F.S., is amended to correct a cross-referencing error.

Marriage and the Family Unit

Section 42 of the legislative proposal requires the establishment of the "Task Force on the Future of the Florida Family", composed of nineteen members, including sixteen legislative appointments and three gubernatorial appointments, to examine Florida laws, appropriations, rules, and policies as they relate to the Florida family to determine whether or not they support the family unit. If

they do not, recommendations for change are to be made to the Legislature, Governor, or executive agency, whichever is appropriate.

The legislative representatives on the Task Force are the chairmen of the Committees on Appropriations, Judiciary (Judiciary-Civil in the Senate), Health and Rehabilitative Services, and Education (Education K-12 in the House) of the respective houses, two appointments by the Minority Leader in each house; and two citizen appointments by the President of the Senate and two by the Speaker of the House of Representatives.

The Task Force is assigned, for administrative purposes, to the Joint Legislative Management Committee (JLMC) and is subject to the procedures of the Administrative Services Division of JLMC. The Task Force is to utilize staff of the Legislature, Office of the Governor, and state agencies to assist in the fulfillment of the obligations assigned to the Task Force. The Task Force is authorized to employ consultants, if needed. In order to defray costs and to provide additional funding for the activities of the legislation, the Task Force may apply for and accept funds, grants, and gifts from governmental and non-governmental sources.

Section 42 of the legislation is repealed July 1, 1990.

Substance Abuse Prevention

Section 43 creates a statewide coordinator for substance abuse prevention to be located in an agency designated by the Governor, to report directly to the Governor, and to function independently of the agency in which it is housed. It designates the responsibilities to include the development of a state plan, coordination of interagency activities, coordination of the activities of interested parties, such as advocacy groups, parents, volunteers, and religious organizations; and, the encouragement of citizen participation in fund raising, public awareness activities and state plan development. It requires the appointment of a policy level staff person in the Departments of Health and Rehabilitative Services, Education, Corrections, Community Affairs and Law Enforcement to direct interagency and intra-agency activities. It further requires that HRS establish within each of its eleven districts, a full time position with expertise in the area of substance abuse, to serve as the substance abuse prevention coordinator.

Section 44 requires a study by the Department of Insurance on the feasibility of mandated insurance benefits for alcohol and drug abuse treatment. It requires that the findings of the study be reported to the Legislature by March 1, 1989.

Section 45 requires that state universities and community colleges develop courses to assist public school teachers, counselors, physicians, law enforcement and other professionals in recognizing the symptoms of alcoholism and drug abuse and courses to assist them in the identification of referral sources. It requires that these courses be available to persons currently enrolled and for continuing education units.

C. SECTION-BY-SECTION ANALYSIS

Section 1. Establishes the goal of the Legislature and creates the "Family Policy Act" in furtherance of the goal. Provides July 1, 1988 as the effective date.

Section 2. Specifies provisions of the "Family Policy Act" and states that the Legislature should seek to accomplish the enumerated for all families in Florida. Provides July 1, 1988 as the effective date.

Section 3. Requires the establishment of a two-year pilot project for shelter and foster care in both a rural and an urban area. Specifies staffing, support services, and training to be provided. Provides selection process. Requires evaluation.

Section 4. Establishes the Child Care Partnership Act, indicating a working relationship between private employers and the state in the provision of quality child care for Florida employees.

Section 5. Provides intent language and establishes a matching grant program for employers who contribute to employees' child care costs. The grant allowed would be an amount equal to 50 percent of the costs incurred by the employer during the year for contributing towards purchased child care expenses, vouchers, child care expenses, and/or the operation of on-site child care facilities. Included in these costs would be certain support services such as record keeping, health services, referral, and monitoring. A \$100,000 cap is placed on the amount of the matching funds allowed a qualifying employer in any one fiscal year. HRS is instructed to promulgate implementing rules, and report to the Governor, Senate President, and House Speaker regarding program effectiveness, number of grants awarded, amounts given, actual and projected costs.

Section 6. Extends the life of the Child Care Facility Trust Fund through June 30, 1993. Provides lower interest loan under certain circumstances.

Section 7. Defines "community resource mother or father" as an individual employed under contract with a program funded by HRS to provide social support, parent training, assistance and education to high-risk pregnant women and handicapped high-risk children and their parents.

Section 8. Authorizes HRS to establish community resource mother or father pilot programs, and creates an advisory committee to assist the agency in establishing the programs. Priority for location of the programs will be given to counties with high incidences of medically underserved high-risk children, low birthweight babies, and high infant mortality rates. This section delineates the minimum criteria that individuals must meet to contract with a program.

funded by HRS to provide community resource mother or father services. The criteria specify a mother or father, at least 25 years of age, familiar with the community needs of the target population, on AFDC or with income below the federal poverty level or income equivalent to the income of community persons with whom she or he will work. Community resource persons would participate in preservice and ongoing training prior to assuming a caseload. The caseload assigned would depend on distance, the conditions and needs of the clients, and the skills needed to address these needs. A plan that addresses the problems, services, and needed resources would be developed for each child or mother. Supervision of community resource persons would be the responsibility of the county public health unit, public agency, or nonprofit agency under contract with HRS, whichever is appropriate, and may be delegated to a community agency under contract. This section of the act requires a report to the Legislature by 1991 evaluating program effectiveness.

Section 9. Amends s. 20.19(4)2.e., F.S., to conform responsibilities of the Children, Youth and Families Program Office to changes made in Chapter 39, F.S., last session, to reflect the proposed changes in the intake function and to reflect current responsibilities: protective investigation services for abandoned, abused, and neglected children and intake services for delinquent children, families in need of services, children in need of services and interstate compact on the placement of children

Amends s. 20.19(5)(c)3, F.S., to reflect departmental headquarters changes described above at the district level.

Section 10. Amends s. 39.01, F.S., by changing the term "intake" to refer only to non-dependency cases, changing the term "intake officer" to delete responsibility for dependency cases, adds definitions of "protective investigation" and "protective investigator." Provides that placement with a relative shall be given priority consideration over a non-relative placement.

Section 11. Amends s. 39.401, F.S., to reflect change in terminology from "intake officer" to "protective investigator." Provides that placement with a relative shall be given priority consideration over a non-relative placement. Also states that the protective investigation office receives reports on cases involving abuse, neglect, or abandonment. All

others are referred to the appropriate service unit of the local Children, Youth, and Families Office in the department. Only abused, abandoned or neglected children are to be delivered to the protective investigation office; others go to the appropriate unit office. The term "caretaker/homemaker" is changed to "housekeeper/homemaker."

Section 12. Amends s. 39.402, F.S., to conform terminology.

Section 13. Amends s. 39.403, F.S. Changes "intake" to "protective investigation." Requires all reports or complaints of abuse or neglect as defined in s. 415.503, F.S., to be reported to the central abuse registry and tracking system. Requires other dependency allegations to be reported to appropriate service unit of the local Children, Youth, and Families Office. Distinguishes to whom a complainant will furnish information. Conforms changes in terminology.

Section 14. Amends s. 39.404(3) and (6), F.S., to conform to changes in terminology.

Section 15. Amends s. 110.1127(3)(a), F.S., to correct cross-reference.

Section 16. Amends s. 415.103, F.S. Renames the "central abuse registry" to "central abuse registry and tracking system." Requires all reports to go directly to the registry and tracking system. Clarifies functions the system will enable the Department of HRS to perform, including tracking critical steps in investigative process to ensure compliance with requirements. Provides central abuse registry and tracking system with authority to determine which reports require immediate on-site protective investigations and which require investigation within 24 hours. Provides procedures for notification of local Aging and Adult Services Office based upon the determination. Permits indexing of an indicated report by names of all subjects of the report. Adds neglect reports to the confidentiality requirement during the administrative hearing process.

Section 17. Amends s. 415.104, F.S., requiring date of birth instead of age for information gathered on persons who are subjects of the report. Requires certain information to be gathered on alleged perpetrator. States that the alleged perpetrator shall cooperate in provision of information. Requires utilization of standardized risk assessment instruments. Expedites delivery of early intervention services through departmental worker identified.

- Section 18. Amends s. 415.107, F.S., to conform changes in terminology and to require reports to be made directly to the central abuse registry and tracking system
- Section 19. Amends s. 415.111, F.S., to conform change in terminology and to provide a penalty for false reporting or causing others to make false report. The penalty is a second degree misdemeanor.
- Section 20. Amends s. 415.503(4), F.S., to conform terminology
- Section 21. Amends s. 415.504, F.S. Renames "abuse registry" to "central abuse registry and tracking system." Requires all reports to go directly to the registry and tracking system. Clarifies functions the system will enable the Department of HRS to perform, including tracking critical steps to ensure compliance, maintaining and producing reports, and serving as a resource for evaluation, management, and planning. Provides registry and tracking system with authority to determine which reports need immediate on-site protective investigations and which require investigations within 24 hours. Provides procedures for notification of local offices. Permits indexing of an indicated report by names of all subjects of the report. Adds neglect reports to the confidentiality requirement during the administrative hearing process.
- Section 22. Amends s. 415.505, F.S., to accomplish the identical functions described in section 17.
- Section 23. Amends s. 415.5055, F.S., to conform terminologies.
- Section 24. Amends s. 415.507, F.S., to permit advanced registered nurse practitioners (ARNP's) to perform examinations of children in abuse and neglect cases. Also permits ARNP to authorize radiological examinations.
- Section 25. Amends s. 415.509, F.S., to conform terminologies.
- Section 26. Amends s. 415.51, F.S., to conform changes in terminology and to require reports to be made directly to the central abuse registry and tracking system.
- Section 27. Amends s. 415.511, F.S., to provide greater conformity in the immunity from liability provisions for aged persons and disabled adults and children
- Section 28. Amends s. 415.513, F.S., to conform changes in terminology and to provide a penalty for false

- reporting Language identical to proposed change in s. 415.111, F.S.
- Section 29. Amends s. 959.06, F.S., to correct cross-reference
- Section 30. Amends s. 39.41, F.S., to require the court to include reasons in the dispositional order for not placing a child with adult relatives and to include a determination regarding the efforts of the Department of HRS to locate relatives willing to take a child into custody. The section is also amended to provide a dispositional alternative of independent living for eligible foster care children. Case planning and court review are specified.
- Section 31. Amends s. 39.442, F.S., to correct a cross reference.
- Section 32. Amends s. 39.452, F.S., to clarify time frames and actions to be taken regarding permanent placement plans. The requirement for a 45 day hearing similar to that of a performance agreement is added.
- Section 33. Amends s. 39.466, F.S., to clarify the types of adoption cases required to use an advisory hearing and to set time frames for hearings for voluntary adoption procedures.
- Section 34. Amends s. 39.469, F.S., to permit licensed child-placing agencies to be participants in the dispositional phase of a termination of parental rights proceeding.
- Section 35. Amends s. 230.645, F.S., to provide a fee exemption for certain foster children who participate in vocational education programs. Provides a July 1, 1988 effective date.
- Section 36. Amends s. 240.235, F.S., to provide a fee exemption for foster children under certain conditions; specifies the conditions for initial and continued fee exemption in the state university system. Provides a July 1, 1988 effective date.
- Section 37. Amends s. 240.35, F.S., to provide a fee exemption for foster children under certain conditions; specifies the conditions for initial and continued fee exemption in the state community college system. Provides a July 1, 1988 effective date.
- Section 38. Amends s. 240.36, F.S., to correct a cross reference. Provides a July 1, 1988 effective date.
- Section 39. Amends s. 409.145, F.S., to provide continued board payment for a foster child in a vocational training

program as well as to provide continued payment for certain foster children who pursue post-secondary educations. For those pursuing post-secondary education, provision is made for the payment to go to foster parents, the youth in an independent living setting, or directly to the college or university. Provides a July 1, 1988 effective date.

Section 40. Amends s. 409.165, F.S., to establish independent living as an alternative placement setting, to authorize direct board payments to such youths and to clarify the need for continued case planning and court review. The section also provides for a continuum of independent living services.

Section 41. Amends s. 409.175, F.S., to require pre-service and inservice training of foster and emergency shelter parents.

Section 42. Subsection 1. Creates the Task Force on the Future of the Florida Family;
Subsection 2. Provides for the membership of the Task Force; provides for the selection of a chairperson whose responsibilities shall include the administration of the Task Force; members of the Task Force are not to be compensated, but are to be reimbursed for expenses
Subsection 3. Delineates the duties of the Task Force.
Subsection 4. Provides for the use of advisory persons and groups; specifies persons with certain areas of expertise to be members of advisory groups or be considered advisory persons; provides for the holding of public hearings in geographic regions of the state; states that persons serving in an advisory capacity shall receive no compensation.
Subsection 5. Provides for the operation of the Task Force; assigns the Task Force, for administrative purposes, to JLMC and requires adherence with certain procedures and policies of JLMC; provides the Task Force with the authority to employ consultants, requires budget approval, employment of consultants approval, and any transfer of funds approval by the President of the Senate and the Speaker of the House of Representatives; provides for staff assistance and clerical support to be provided by the Office of the Governor, legislative staff, and executive agency staff; requires that state agencies provide information, data, and staff assistance to the Task Force; allows for the application for and acceptance of funds from both governmental and non-governmental sources; provides that funds received are to be used to defray costs of expenses of the Task Force.
Subsection 6. Repeals the act on July 1, 1990.

Subsection 7. Section 42 takes effect on December 1, 1988.

Section 43. Creates a Statewide Coordinator for Substance Abuse Prevention and Treatment; provides for location of the Coordinator; provides for independence from administering agency; requires reporting directly to the Governor; delineates the responsibilities of the Coordinator. Requires the Departments of HRS, Education, Corrections, Community Affairs, and Law Enforcement to appoint an agency substance abuse coordinator for their respective departments and delineates responsibilities of the agency coordinator. Requires the Department of HRS to appoint a substance abuse prevention coordinator in each HRS district and sets forth the primary responsibility of such coordinator.

Section 44. Requires the Department of Insurance to conduct a study on mandated insurance coverage for substance abuse treatment. Specifies what the study shall include.

Section 45. Requires the development of a training program for certain professionals. Provides for the availability of the courses to be developed.

Section 46. Effective date: October 1, 1988 unless otherwise specified in the bill.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT: FY 88-89 FY 89-90 FY 90-91

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1 Non-Recurring or First Year Start-Up Effects:

EXPENDITURES:

Florida Family Policy Act - None

Shelter or Foster Care

DHRS

Operating Capital Outlay	\$27,600	\$
Contracted Services (Curriculum Dev)	58,500	
Other Personal Services		23,000
Total	\$86,100	\$23,000

Child Care Partnership Act - None

Community Resource Mothers and Fathers

DHRS		
Operating Capital Outlay	\$4,236	
Evaluation Costs		\$50,000

Abuse/Neglect of Aged, Disabled Adults, and Children

Operating Capital Outlay	\$ 37,874
Data Processing Services	1,836,143
Staffing - Elderly/Disabled	
Operating Capital Outlay	49,930
Staffing - Children/Protective Services	
Operating Capital Outlay	284,617
Total	\$2,208,564

Foster Care - None

Marriage and the Family Unit

Joint Legis. Mgmt. Committee	
Division of Admin. Services	\$ 25,000

Substance Abuse

DHRS	
Operating Capital Outlay	\$ 15,672
DOI	
Health Benefits Study	30,000
Total	45,672

2. Recurring or Annualized Continuation Effects:

EXPENDITURES:

Florida Family Policy Act - None

Shelter or Foster Care

Salaries and Benefits (19 FTE's)	\$280,728	\$374,304
Expenses	116,666	155,555
Contracted Services	365,500	413,500
Total	\$762,894	\$943,359

Child Care Partnership Act - Indeterminate

Community Resource Mothers and Fathers

DHRS		
Salaries and Benefits (15 FTE's)	\$ 36,413	\$ 36,413
Expenses	13,131	13,131
Advisory Council Expenses	40,000	40,000
Contracted Services	406,220	406,220
Total	\$495,764	\$495,764

Abuse/Neglect of Aged, Disabled Adults, and Children

DHRS			
Salaries and Benefits (29 FTE's)	\$ 540,254	\$ 720,341	\$ 720,341
Expenses for FTE's	363,464	484,619	484,619
Staffing - Elderly/Disabled			
Salaries and Benefits (33 FTE's)	583,518	778,024	778,024
Expenses for FTE's	264,875	353,167	353,167
Reclassification of Aging Positions			
Salaries and Benefits	1,300,755	1,300,755	1,300,755
Staffing - Children/Protective Services			
Salaries and Benefits (266 FTE's)	4,442,017	5,922,689	5,922,689
Expenses for FTE's	936,031	1,248,041	1,248,041
Total	\$8,430,914	\$10,807,636	\$10,807,636

Foster Care

DHRS			
Extension of Board Payment	462,240	924,480	1,232,640
Foster/Shelter Parent Training	132,000	132,000	132,000

Marriage and the Family Unit - None

Substance Abuse Prevention

DHRS			
Salaries and Benefits (12 FTE's)	\$293,922	\$ 391,897	\$ 391,897
Expenses	83,139	110,851	110,851
Total	\$377,061	\$ 502,748	\$ 502,748

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

EXPENDITURES:

Florida Family Policy Act - None

Shelter or Foster Care

DHRS		
General Revenue Fund	\$848,994	\$966,359

Child Care Partnership Act - Indeterminate

Community Resource Mothers and Fathers

DHRS		
General Revenue Fund	\$500,000	\$545,764

Abuse/Neglect of Aged, Disabled Adults, and Children

General Revenue Fund	\$ 8,639,477	\$10,807,636	\$10,807,636
Administrative Trust Fund	2,000,000	0	0
Total	\$10,639,477	\$10,807,636	\$10,807,636

Foster Care

DHRS

General Revenue Fund	\$ 488,592	\$ 858,384	\$ 1,104,912
Direct Assistance Trust Fund	105,648	198,096	259,728
Total	\$ 594,240	\$ 1,056,480	\$ 1,364,640

Marriage and the Family Unit

DHRS

General Revenue Fund	\$ 25,000
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Substance Abuse Prevention

DHRS

General Revenue Fund	\$ 392,733	\$ 502,748	\$ 502,748
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DOI

General Revenue Fund	30,000
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B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None/Indeterminate

2. Recurring or Annualized Continuation Effects:

None/Indeterminate

3. Long Run Effects Other Than Normal Growth:

None/Indeterminate

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR

1. Direct Private Sector Costs:

None/Indeterminate

2. Direct Private Sector Benefits:

Community Resource Mothers and Fathers

DHRS may contract with private sector firms to provide training, education, and supervision of resource mothers.

Substance Abuse Prevention

The public will directly benefit from the increase coordination and availability of training courses, and from the possibility of mandated benefits.

3. Effects on Competition, Private Enterprise, and Employment Markets.

None

D. FISCAL COMMENTS:

Florida Family Policy Act

This portion of the bill would have no immediate fiscal impact. In the future, however, the bill would have significant impact if the legislature funded the goals stated in this bill of rights.

Community Resource Mothers and Fathers

Total Appropriations Consequences for FY 88-89 was determined by subtracting administrative costs from the maximum \$500,000 appropriation in order to fund the maximum number of resource mothers allowed by the appropriations constraint. The total appropriations consequence for FY 89-90 was determined in much the same manner, except that the appropriations constraint was increased to allow for evaluation costs after the first year of implementation.

Marriage and the Family Unit

The Task Force on the Future of the Florida Family will be in existence from December 1, 1989 through June 30, 1990.

Substance Abuse Prevention

There may be a minimal fiscal impact, which is estimated to be satisfied within existing resources, on the State University System and the Community Colleges, for development of courses as specified in the bill.

III. LONG RANGE CONSEQUENCES:

Florida Family Policy Act

Sections 1 and 2 of the bill establish directives for future consideration by the Legislature in its deliberations of programs and funding affecting the Florida family. Sections 1 and 2 establish a standard which, if met, would have long range effects on the quality of life for children and all of Florida's citizens and the prevention or amelioration of problems associated with poverty, unemployment, inadequate housing, and inadequate educational opportunities.

Shelter or Foster Care

The pilot program established by Section 3 will demonstrate whether the provision of services has any short range impact on the reunification of families, improved permanency planning, improved care of children while in the custody of the state, reduced staff turnover, etc. The cost savings to the state will be difficult to determine after only two years; however, the potential for determining if such a full range of services will affect care and potentially reduce the number of children in care or at least hasten the return of children, if possible, because of more work with families would be beneficial for future funding strategies by the state.

Child Care Partnership Act - The long range consequences of this section of the bill

could be improved child care, reduced economic burden on employees, improved staff morale, and increased productivity.

Community Resource Mothers and Fathers

The long range consequences of this section of the legislation could be the reduction in the cost to the state of serving handicapped and high-risk children, the provision of greater family independence in caring for children with

handicaps, greater bonding between parent and child, improved academic achievement of children, and reduction of the numbers of public assistance recipients.

Abuse/Neglect of Aged, Disabled Adults, and Children

Sections 9 through 28 have a potential positive impact in offering better protection for children, disabled adults, and the aged who often cannot speak out to protect themselves. Failure to promptly and appropriately investigate cases and to provide the services needed to provide the greatest protection for the individual and to prevent the likelihood of a future occurrence of abuse or neglect is evident in our dependency system, mental health system, and our corrections system. These sections of the legislation could be a beginning step towards ameliorating the high costs in dollars and cents and in humanity caused by those systems.

Foster Care

Portions of sections 30-41 of the legislation will assist in the recruitment and retention of foster and shelter parents and will provide a means for training these parents to enable them to provide better care and to be better able to assist in the reunification of children and natural families, in the permanent separation of the children from their families, and in the placement of children in adoptive homes or other permanent homes. Sections 35-37 and section 41 of the legislation will assist foster children to hope for a better future by giving them the opportunity to attend vocational schools, community colleges, or universities or colleges to improve their skills and chance for employment with freedom from dependence upon the state in the future. Some in the foster care area have stated that this opportunity will help encourage foster care children to stay in school and get their high school diploma. The legislation can potentially help to break the cycles of dependence faced by some of these children and their families.

Marriage and the Family Unit

Potentially, through the activities of the Task Force on the Future of the Florida Family and the advisory persons and advisory groups established in Section 42 of the legislation there could be major changes in current law, rules, administrative policies and procedures, and appropriations in order to strengthen the Florida family of today and the future. By such activities, future costs related to problems of child and adult abuse, neglect, and exploitation and costs related to family dependence on the state and family dysfunction may be reduced.

Substance Prevention Act

By addressing the substance abuse problem in Sections 43-45, Floridians will benefit by an improved quality of life, reduced health risks, decreased crime rate, a preserved family unit and protection for future citizens.

IV. COMMENTS:

Foster Care

Most states requiring foster parent training require between 12 to 16 hours of pre-service training. Training programs for foster parents such as NOVA and MAPP require 21 to 30 hours of training. A few states such as Massachusetts are requiring 30 hours of pre-service training. In-service training, if required, usually is between 6 to 8 hours.

The criteria delineated in Section 41 for foster parent and emergency shelter parent training is taken from MAPP and from the Standards for Foster Family Service by the Child Welfare League of America.

Marriage and the Family Unit

Potentially, through the activities of the Task Force on the Future of the Florida Family and the advisory persons and advisory groups established in Section 42 of the legislation, there could be major changes in current law, rules, administrative policies and procedures, and appropriations in order to strengthen the Florida family of today and the future. By such activities, future costs and costs related to family dependence on the state and family dysfunction may be reduced.

Substance Abuse Prevention

In the analyses above, twelve positions are shown in the Department of Health and Rehabilitative Services. The statewide coordinator position, however, may be located in a different agency. Also, it was assumed that policy staff referred to in the bill could be funded within existing resources.

V. AMENDMENTS:

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE

Prepared by:

Judy C. Justice/tbc

FINANCE & TAXATION:

Prepared by:

APPROPRIATIONS:

Prepared by:

Lynn Dixon

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Tom Batchelor, Ph.D.

Staff Director:

Staff Director:

Dr. James A. Zingale

HOUSE OF REPRESENTATIVES
COMMITTEE ON HEALTH & REHABILITATIVE SERVICES
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL # HB 614

RELATING TO: Family Policy

SPONSOR(S): Representative Davis

EFFECTIVE DATE: July 1, 1988, or becoming law, whichever occurs later

COMPANION BILL(S):

OTHER COMMITTEES OF REFERENCE: (1) Appropriations

(2)

I. SUMMARY:

A. PRESENT SITUATION:

Current Florida law provides legislative intent in s. 39.002, F.S., concerning the goal of the Legislature for children in the state. The goal includes such items as a permanent and stable home; safe and nurturing environment; adequate nutrition, shelter, and clothing; effective treatment to address physical, social, and emotional needs; protection from abuse, neglect, and exploitation; equal opportunity and access to quality and effective education, meeting the individual needs of each child; recreation and other community resources to develop individual abilities; access to preventative services; an independent, trained advocate, when intervention is necessary; and a skilled guardian or caretaker in a safe environment when alternative placement is necessary. There is also intent language in Part IV of Chapter 39 regarding the need for permanency for children.

Current Florida law, however, does not contain a specific statement on overall legislative goals for all of Florida's families. At the hearings of the Ad Hoc Committee on Children during the interim, speakers indicated the need for Florida to have established certain basic goals for families that should be used as the standard for the state. According to the persons who testified at the hearings, the goals identified should be used as principles to guide public policy toward families and children and the actions of the state agencies and the Legislature when its actions involve families.

B. EFFECT OF PROPOSED CHANGES:

House Bill 614 creates the "Florida Family Policy Act" which establishes the primary goal of the Legislature to be that of protecting, preserving, and enhancing the stability and quality of Florida's families through funding of programs and services and the enforcement of laws and policies to prevent family dysfunction and

the loss of family independence. The legislation specifies what the Legislature should seek to provide to all families in order to meet the goal of the Family Policy Act.

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Establishes the goal of the Legislature and creates the "Family Policy Act" in furtherance of the goal.

Section 2. Specifies provisions of the "Family Policy Act" and states that the Legislature should seek to accomplish the enumerated for all families in Florida.

Section 3. Provides an effective date: July 1, 1988, or upon becoming a law, whichever is later.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2 Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise, and Employment Markets:

None.

D. FISCAL COMMENTS:

The legislation itself does not require any funding. The legislation does direct the Legislature to seek to provide services that will require additional resources; however, it does not mandate that services be provided.

III. LONG RANGE CONSEQUENCES:

House Bill 614 establishes directives for future consideration by the Legislature in its deliberations of programs and funding affecting the Florida family. It establishes a standard which, if met, would have long range effects on the quality of life for children and all of Florida's citizens and the prevention or amelioration of problems associated with poverty, unemployment, inadequate housing, and inadequate educational opportunities.

IV. COMMENTS:

None.

V. AMENDMENTS:

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Judy C. Justice/l

Staff Director

Tom Batchelor, Ph.D.

FINANCE & TAXATION:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:

HOUSE OF REPRESENTATIVES
COMMITTEE ON HEALTH & REHABILITATIVE SERVICES
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 1515RELATING TO: Abuse/Neglect of Aged, Disabled Adults, and ChildrenSPONSOR(S): HRS CommitteeEFFECTIVE DATE: October 1, 1988COMPANION BILL(S): CS/SB 685OTHER COMMITTEES OF REFERENCE: (1) Appropriations

(2) _____

I. SUMMARY:A. PRESENT SITUATION:

Under Chapter 415, F.S., a central abuse registry is established to receive reports of alleged abuse, neglect or exploitation of aged persons and disabled adults and to receive reports of alleged abuse or neglect of children. The registry accepts reports in writing or through a single statewide toll-free telephone number and is available 24 hours a day seven days a week. The registry not only receives reports but performs such tasks as screening for prior reports, relaying information to investigative staff, monitoring and evaluating effectiveness of reporting and investigating of reports, and maintaining and producing aggregate statistical data summaries.

Chapter 415, F.S., also provides that a person does not have to report directly to the central registry but may report directly to local offices of the department responsible for investigation of reports of abuse, neglect or exploitation. At one time this involved approximately 181 different offices statewide.

Subsections 415.103(3) and 415.504(4), F.S., require that the central abuse registry immediately notify the local staff of the department of all allegations of abuse, neglect or exploitation. No provision is made for trained registry staff to screen calls and refer only those needing immediate action during the night and early morning hours and refer others within enough time to ensure an investigation within 24 hours.

The description of the registry's required functions varies slightly between the sections governing aged and disabled adults and those governing children. For example, provisions similar to s. 415.103(3)(a)3. and 4., F.S., are not included in s. 415.504(4)(a), F.S. The language in the law does not reflect the requirements for classifying records. The law does not include any

statements regarding the use of an automated system with tracking capability to ensure that critical points of investigation are met and to provide timely management of cases by investigators and supervisors.

Current law does not specify types of information that should be gathered on alleged perpetrators during the protective investigation for purposes of the registry.

Chapter 415, F.S., does not require the utilization of standardized risk assessment instruments. According to the department, workers assess risk without established instruments, providing no consistency or framework. However, it should be noted that the department has developed such an instrument which is being field tested and is to be implemented through policy on a statewide basis.

The current law does not make it incumbent upon the investigator to make certain that identified needed services are provided through early intervention of others within the department.

Chapter 415 allows indicated reports of child abuse to be indexed on the abuse registry only by the name of the abused or neglected aged person, disabled adult, or child.

Provisions in the corresponding sections on immunity from liability for aged persons and disabled adults and for children contain different protections.

The confidentiality of reports used in administrative hearings pursuant to ss. 415.103 and 415.504, F.S., is extended to cases of abuse but not neglect.

Chapter 415, F.S., does not provide a penalty for persons who willfully and knowingly make false reports of abuse, neglect, or exploitation or who cause others to make such reports.

Pursuant to Chapter 20.19, F.S., the Department of HRS has a single intake system for dependent and delinquent children. The law does not reflect current distinctions made by 1988 statutory changes in the definition of dependency.

Chapter 415, F.S., refers to investigations as protective investigations while under Chapter 39, F.S., the investigations are considered to be part of the intake process for dependency. Under Chapter 39, F.S., an intake officer handling dependency cases not only investigates to determine dependency and safety, including removal, but also provides or recommends services to the family to prevent removal of a child or to accommodate the possible return of the child. In most locations intake officers under Chapter 39, F.S., handle abuse/neglect investigations, families and children in need of service cases and requests for services. In many areas the same people investigate delinquency cases. With regard to investigations under Aging and Adult Services, investigators handle abuse/neglect investigations, supportive services, home care for

the elderly, alternate care for the elderly, alternate care placement and supervision of adult foster home placements.

B. EFFECT OF PROPOSED CHANGES:

HB 1515 amends s. 20.19, F.S., Parts I, III, and IV of Chapter 39, F.S., and several sections in Chapter 415, F.S., to address concerns brought to the attention of the Social, Economic and Developmental Services Subcommittee that are mentioned in the present situation portion of the staff analysis. Those changes are:

- o requiring use of the statewide toll-free hotline to receive all reports of abuse, neglect or exploitation for aged persons, disabled adults and children;
- o deleting the requirement for immediate notification of local staff for all reports of abuse, neglect, and exploitation;
- o documenting utilization of an automated data system;
- o requiring the utilization of standardized risk assessment instruments in protective investigations;
- o strengthening the required role of the abuse registry in tracking critical steps in the investigation to make certain that all required actions are taken;
- o authorizing the indexing of an indicated report of abuse/neglect/exploitation by names of all subjects of the report,
- o requiring additional information to be obtained on alleged perpetrators;
- o requiring the delivery of services through the early intervention of services workers;
- o distinguishing the role of the investigator from that of the service worker; and
- o specifying the role of the investigator in dependency proceedings.

The legislation also more closely conforms the child abuse portions of the law regarding responsibility of the abuse registry and immunity to those of the aged and disabled adult portions.

HB 1515 provides a penalty for false reporting.

HB 1515 amends provisions on confidentiality in administrative hearings to make certain neglect reports are handled similarly to abuse reports.

Finally, HB 1515 amends language in Chapter 39 to provide that adult relatives will be given priority consideration over non-relative placements when a child must be removed from the home setting because of abuse, abandonment or neglect.

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 20.19(4)2.e., F.S., to conform responsibilities of the Children, Youth and Families Program Office to changes made in Chapter 39, F.S., last session, to reflect the proposed changes in the intake function and to reflect current responsibilities: protective investigation services for abandoned, abused, and neglected children and intake services for delinquent children, families in need of services, children in need of services and interstate compact on the placement of children.

Amends s. 20.19(5)(c)3., F.S., to reflect departmental headquarters changes described above at the district level.

Section 2. Amends s. 39.01, F.S., by changing the term "intake" to refer only to non-dependency cases, changing the term "intake officer" to delete responsibility for dependency cases, adds definitions of "protective investigation" and "protective investigator." Provides that placement with a relative shall be given priority consideration over a non-relative placement.

Section 3. Amends s. 39.401, F.S., to reflect change in terminology from "intake officer" to "protective investigator." Provides that placement with a relative shall be given priority consideration over a non-relative placement. Also states that the protective investigation office receives reports on cases involving abuse, neglect, or abandonment. All others are referred to the appropriate service unit of the local Children, Youth, and Families Office in the department. Only abused, abandoned or neglected children are to be delivered to the protective investigation office; others go to the appropriate unit office. The term "caretaker/homemaker" is changed to "housekeeper/homemaker."

Section 4. Amends s. 39.402, F.S., to conform terminology.

Section 5. Amends s. 39.403, F.S. Changes "intake" to "protective investigation." Requires all reports or complaints of abuse or neglect as defined in s. 415.503, F.S., to be reported to the central abuse registry and tracking system. Requires other dependency allegations to be reported to appropriate service unit of the local Children, Youth, and Families Office. Distinguishes to whom a complainant will furnish information. Conforms changes in terminology.

Section 6. Amends s. 39.404(3) and (6), F.S., to conform to changes in terminology.

Section 7. Amends s. 110.1127(3)(a), F.S., to correct cross-reference.

Section 8. Amends s. 415.103, F.S. Renames the "central abuse registry" to "central abuse registry and tracking system." Requires all reports to go directly to the registry and tracking system. Clarifies functions the system will enable the Department of HRS to perform, including tracking critical steps in investigative process to ensure compliance with requirements. Provides central abuse registry and tracking system with authority to determine which reports require immediate on-site protective investigations and which require investigation within 24 hours. Provides procedures for notification of local Aging and Adult Services Office based upon the determination. Permits indexing of an indicated report by names of all subjects of the report. Adds neglect reports to the confidentiality requirement during the administrative hearing process.

Section 9. Amends s. 415.104, F.S., requiring date of birth instead of age for information gathered on persons who are subjects of the report. Requires certain information to be gathered on alleged perpetrator. States that the alleged perpetrator shall cooperate in provision of information. Requires utilization of standardized risk assessment instruments. Expedites delivery of early intervention services through departmental worker identified.

Section 10. Amends s. 415.107, F.S., to conform changes in terminology and to require reports to be made directly to the central abuse registry and tracking system.

Section 11. Amends s. 415.111, F.S., to conform change in terminology and to provide a penalty for false reporting or causing others to make false report. The penalty is a second degree misdemeanor.

Section 12. Amends s. 415.503(4), F.S., to conform terminology.

Section 13. Amends s. 415.504, F.S. Renames "abuse registry" to "central abuse registry and tracking system." Requires all reports to go directly to the registry and tracking system. Clarifies functions the system will enable the Department of HRS to perform, including tracking critical steps to ensure compliance, maintaining and producing reports, and serving as a resource for evaluation, management, and planning. Provides registry and tracking system with authority to determine which reports need immediate on-site protective investigations and which require investigations within 24 hours. Provides procedures for notification of local offices. Permits indexing of an indicated report by names of all subjects of the report. Adds neglect reports to the confidentiality requirement during the administrative hearing process.

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Section 14. Amends s. 415.505, F.S., to accomplish the identical functions described in section 9.

Section 15. Amends s. 415.5055, F.S., to conform terminologies.

Section 16. Amends s. 415.509, F.S., to conform terminologies.

Section 17. Amends s. 415.51, F.S., to conform changes in terminology and to require reports to be made directly to the central abuse registry and tracking system.

Section 18. Amends s. 415.511, F.S., to provide greater conformity in the immunity from liability provisions for aged persons and disabled adults and children.

Section 19. Amends s. 415.513, F.S., to conform changes in terminology and to provide a penalty for false reporting. Language identical to proposed change in s. 415.111, F.S.

Section 20. Amends s. 959.06, F.S., to correct cross-reference.

Section 21. Provides October 1, 1988, effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

According to the Department of Health and Rehabilitative Services, there is a need for an additional 384 positions to implement the legislation. In addition to the 384 positions, the Department anticipates a need for OPS staff for a portion of the first year. The following indicates the cost for the OPS staff and the operating capital outlay for all positions requested.

	1988-1989
Other Personal Services (OPS)	
Temporary Employment Costs	\$ 725,283
Operating Capital Outlay	\$ 832,368
TOTAL Non-recurring	\$1,557,651

2. Recurring or Annualized Continuation Effects:

The following reflects the recurring administrative costs for the 384 positions needed to implement the legislation. The figures for 1988-89 are for 9 month funding since the legislation does not take effect until October 1, 1988. The figures for 1989-90 represent the annualized amounts.

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	1988-89	1989-90
Salaries & Benefits		
<u>Position Type</u>	<u>No. FTE</u>	
Clerical	102	
Professional	1	
Supervisory	264	
Other	17	
TOTAL	384	
Expenses for FTEs	\$ 8,225,668	\$10,014,543
Other Administrative Costs	\$ 3,389,549	\$ 4,087,704
	\$ 3,371,764	\$ 2,166,672
TOTAL RECURRING/ANNUALIZED	\$14,986,971	\$16,268,919

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

	1988-89	1989-90
Total Cost		
FTEs	384	-0-
General Revenue Fund	\$14,644,632	\$16,268,919
Other Funds	\$ 1,900,000	
Total Funds	\$16,544,632	\$16,268,919

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise, and Employment Markets:

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None

D. FISCAL COMMENTS:

None

III. LONG RANGE CONSEQUENCES:

Not only does the legislation have a potential positive economic impact as described in the section on fiscal comments, but it also has a potential positive impact in offering better protection for children, disabled adults, and the aged who often cannot speak out to protect themselves. Failure to promptly and appropriately investigate cases and to provide the services needed to provide the greatest protection for the individual and to prevent the likelihood of a future occurrence of abuse or neglect is evident in our dependency system, mental health system, and our corrections system. The legislation could be a beginning step toward ameliorating the high costs in dollars and cents and in humanity caused by those systems.

IV. COMMENTS:

The legislation has a potential positive economic impact on both the public and government through dollar savings in future costs for the care of children who are not protected to the fullest extent because of inappropriate decisions to remove a child from a home setting or decisions not to remove.

V. AMENDMENTS:

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Judy C. Justice/tbe

Staff Director

Tom Batchelor, Ph.D.

FINANCE & TAXATION:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:

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4/20/88

PCB NRS 88-04

1	A bill to be entitled	1:btc
2	An act relating to abuse, neglect, abandonment,	1.2
3	and exploitation of aged persons, disabled	
4	adults, and children; amending s. 20.19, F.S.;	1.4
5	conforming duties of program offices and	
6	service districts of the Department of Health	1.5
7	and Rehabilitative Services to reflect changes	1.6
8	in protective investigations and current	
9	responsibilities; amending s. 39.01, F.S.;	
10	providing definitions; amending s. 39.401,	1.8
11	F.S.; conforming terminology and procedures to	
12	definitions and current practice; providing	1.10
13	that priority consideration be given to	1.11
14	relative placements over nonrelative	
15	placements; amending s. 39.402, F.S.;	1.13
16	conforming terminology; amending s. 39.403,	1.14
17	F.S.; providing for protective investigation by	
18	the department; amending s. 39.404, F.S.;	1.17
19	conforming terminology; amending s. 110.1127,	1.18
20	F.S., to change a cross-reference; amending s.	
21	415.103, F.S.; renaming the central abuse	1.20
22	registry and requiring any report of abuse,	
23	neglect, or exploitation to be handled by the	1.23
24	central abuse registry and tracking system;	
25	delineating functions of the central abuse	
26	registry and tracking system; providing for	1.24
27	notification of district staff; providing for	
28	indexing of certain information; providing	1.25
29	confidentiality of reports in administrative	1.26
30	hearing process; amending s. 415.104, F.S.;	1.27
31	providing standards and procedures for reports	

1	and for protective services investigations;	1.28
2	amending s. 415.107, F.S.; conforming	
3	terminology and procedures; amending s.	1.29
4	415.111, F.S.; providing penalties for making	
5	false reports; amending s. 415.503, F.S.;	
6	providing definitions; amending s. 415.504,	1.30
7	F.S.; conforming terminology; requiring child	
8	abuse and neglect reports to go to the central	1.33
9	abuse registry and tracking system; delineating	
10	functions of the central abuse registry and	1.35
11	tracking system; providing procedures and time	
12	frames for notification of district staff;	
13	providing for indexing of certain information;	1.36
14	providing confidentiality of reports in the	1.37
15	administrative hearing process; amending s.	1.38
16	415.505, F.S.; providing standards and	
17	procedures for reports and for protective	
18	services investigations; amending ss. 415.5055,	1.40
19	415.509, and 415.51, F.S.; conforming	
20	terminology; amending s. 415.511, F.S.;	1.41
21	providing immunity from liability and	
22	prohibiting reprisal against person reporting;	1.42
23	amending s. 415.513, F.S.; providing penalties	
24	for making a false report; amending s. 959.06,	1.43
25	F.S., to change a cross-reference; providing an	
26	effective date.	1.44
27		
28	Be It Enacted by the Legislature of the State of Florida:	1:enc
29		
30	Section 1. Subparagraph 2. of paragraph (a) of	1.45
31	subsection (4) and subparagraph 3. of paragraph (c) of	1.47

1 for whom a search is conducted of the results of the search 14.33
 2 upon request. 14.35
 3 (5) The department shall, with the written consent of 14.36
 4 a person applying to a licensed child-placing agency for the 14.38
 5 adoption of a child, search its central abuse registry and
 6 tracking system for the existence of a confirmed report and
 7 advise the licensed child-placing agency of any such report 14.40
 8 found and the results of the investigation conducted pursuant 14.41
 9 thereto, including whether 30 days have elapsed for requests 14.42
 10 for expunction or amendment, failure of the alleged
 11 perpetrator to respond pursuant to s. 415.504(4)(d), and 14.44
 12 results of any hearing conducted by the secretary and any
 13 subsequent administrative hearing held on the report. 14.45
 14 (6) Except as provided in subsection (4), the 14.47
 15 department shall, with the written consent of a person 14.48
 16 applying to work with children as a volunteer or as a paid 14.49
 17 employee for a public or private nonprofit agency, or for an 14.50
 18 individual family, search its central abuse registry and 14.51
 19 tracking system for the existence of a confirmed report and 14.52
 20 shall advise such agency or family of any such report found 14.54
 21 and the results of the investigation conducted pursuant
 22 thereto, including whether 30 days have elapsed for requests 14.55
 23 for expunction or amendment, failure of the alleged
 24 perpetrator to respond pursuant to s. 415.504(4)(d), and 14.57
 25 results of any hearing conducted by the secretary and any 14.58
 26 subsequent administrative hearing held on the report.
 27 (7) The name of any person reporting child abuse or 14.61
 28 neglect shall not be released to any person other than 14.62
 29 employees of the department responsible for child protective 14.63
 30 services, the central abuse registry and tracking system, or 14.64
 31 the appropriate state attorney without the written consent of 14.65

1 the person reporting. This does not prohibit the subpoenaing 14.67
 2 of a person reporting child abuse or neglect when deemed
 3 necessary by the state attorney or the department to protect a 14.69
 4 child who is the subject of a report, provided the fact that
 5 such person made the report is not disclosed. Any person who 14.72
 6 reports a case of child abuse or neglect may, at the time he
 7 makes the report, request that the department notify him that 14.73
 8 a child protective investigation occurred as a result of the 14.74
 9 report. The department shall mail such a notice to the 14.75
 10 reporter within 10 days of the completion of the child 14.76
 11 protective investigation.
 12 Section 18. Section 415.511, Florida Statutes, is 14.77
 13 amended to read:
 14 415.511 Immunity from liability in cases of child 14.78
 15 abuse or neglect.--
 16 (1)(a) Any person, official, or institution 14.80
 17 participating in good faith in any act authorized or required 14.82
 18 by ss. 415.502-415.514 shall be immune from any civil or
 19 criminal liability which might otherwise result by reason of 14.83
 20 such action. 14.84
 21 (b) Nothing contained in this section shall be deemed 14.85
 22 to grant immunity, civil or criminal, to any person suspected 15.1
 23 of having abused or neglected a child, or committed any
 24 illegal act upon or against a child. 15.5
 25 (2)(a) No resident or employee of a facility serving 15.1us
 26 children may be subjected to reprisal or discharge because of 15.8
 27 his actions in reporting abuse or neglect pursuant to the
 28 requirements of this section. 15.9
 29 (b) Any person making a report under this section 15.1us
 30 shall have a civil cause of action for appropriate 15.11
 31 compensatory and punitive damages against any person who

1 causes detrimental changes in the employment status of such 15.12
 2 reporting party by reason of his making such report. Any 15.13
 3 detrimental change made in the residency or employment status
 4 of such person, including, but not limited to, discharge, 15.15
 5 termination, demotion, transfer, or reduction in pay or
 6 benefits or work privileges, or negative evaluations within a 15.16
 7 prescribed period of time shall establish a rebuttable 15.17
 8 presumption that such action was retaliatory.
 9 Section 19. Subsection (2) of section 415.513, Florida 15.18
 10 Statutes, is amended, and subsection (3) is added to said 15.19
 11 section, to read:
 12 415.513 Penalties for failing to report or preventing 15.20
 13 another person from reporting, or disclosing confidential 15.21
 14 information relating to, a case of child abuse or neglect; 15.22
 15 penalties for making a false report.--
 16 (2) Any person who knowingly and willfully makes 15.24
 17 public or discloses any confidential information contained in
 18 the central abuse registry and tracking system or in the 1:lus
 19 records of any child abuse or neglect case, except as provided 15.27
 20 in ss. 415.502-415.514, is guilty of a misdemeanor of the
 21 second degree, punishable as provided in s. 775.082, s. 15.30
 22 775.083, or s. 775.084.
 23 (3) Any person who knowingly and willfully makes a 1:lus
 24 false report of child abuse or neglect, or any person who 15.32
 25 advises another to make a false report, is guilty of a
 26 misdemeanor of the second degree, punishable as provided in s. 15.34
 27 775.082, s. 775.083, or s. 775.084. Anyone making a report 15.35
 28 who is acting in good faith is immune from any liability under
 29 this subsection. 15.36
 30 Section 20. Paragraph (a) of subsection (4) of section 15.37
 31 959.06, Florida Statutes, is amended to read: 15.38

1 959.06 Departmental contracting powers.-- 15.38
 2 (4) Standards for screening shall also ensure that the 15.39
 3 person:
 4 (a) Has not been judicially determined to have 15.40
 5 committed abuse or neglect against a child as defined in s. 15.41
 6 39.01(2)-and-(3);
 7 (b) Does not have a confirmed report of abuse, 15.42
 8 neglect, or exploitation as defined in s. 415.102(5) which has 15.43
 9 been uncontested or has been upheld pursuant to s.
 10 415.504(4)(d);
 11 (c) Does not have a confirmed report of abuse, 15.44
 12 neglect, or exploitation as defined in s. 415.102(5) or s. 15.45
 13 415.503(5) which has been uncontested or has been upheld
 14 pursuant to the procedures provided in s. 415.103 or s. 15.46
 15 415.504; or
 16 (d) Has not committed an act which constitutes 15.47
 17 domestic violence as defined in s. 741.30. 15.49
 18 Section 21. This act shall take effect October 1, 15.50
 19 1988. 15.51
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1	*****	1:hbs
2	HOUSE SUMMARY	1:hbs
3	Defines "protective investigation" and "protective	15.54
4	investigator" for purposes of Department of Health and	15.55
5	Rehabilitative Services protection of aged persons,	15.56
6	disabled adults, and children from abuse, neglect,	15.57
7	abandonment, and exploitation. Conforms duties of	15.58
8	department program offices and service districts to	
9	reflect current terminology, responsibilities, and	
10	procedures.	
11	Provides preference for placement of child with relatives	15.60
12	over nonrelatives.	
13	Renames the central abuse registry the central abuse	15.62
14	registry and tracking system and provides for information	15.63
15	to be obtained and tracked.	
16	Provides standards and procedures for reports and for	15.65
17	protective services investigations. Provides for	15.66
18	confidentiality of certain information and provides for	
19	notification of district staff.	15.67
20	Provides penalties for disclosing confidential	15.69
21	information or making false reports.	
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STORAGE NAME: \dw\8sum\PCB4b.hrs\j\tc
Date: April 20, 1988

HOUSE OF REPRESENTATIVES
COMMITTEE ON HEALTH & REHABILITATIVE SERVICES
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: PCB 4
RELATING TO: Abuse/Neglect of Aged, Disabled Adults, and Children
SPONSOR(S): HRS Committee
EFFECTIVE DATE: October 1, 1988
COMPANION BILL(S): _____
OTHER COMMITTEES OF REFERENCE: (1) _____
(2) _____

I. SUMMARY

A. PRESENT SITUATION:

Under Chapter 415, F.S., a central abuse registry is established to receive reports of alleged abuse, neglect or exploitation of aged persons and disabled adults and to receive reports of alleged abuse or neglect of children. The registry accepts reports in writing or through a single statewide toll-free telephone number and is available 24 hours a day seven days a week. The registry not only receives reports but performs such tasks as screening for prior reports, relaying information to investigative staff, monitoring and evaluating effectiveness of reporting and investigating of reports, and maintaining and producing aggregate statistical data summaries.

Chapter 415, F.S., also provides that a person does not have to report directly to the central registry but may report directly to local offices of the department responsible for investigation of reports of abuse, neglect or exploitation. At one time this involved approximately 181 different offices statewide.

Subsections 415.103(3) and 415.504(4), F.S., require that the central abuse registry immediately notify the local staff of the department of all allegations of abuse, neglect or exploitation. No provision is made for trained registry staff to screen calls and refer only those needing immediate action during the night and early morning hours and refer others within enough time to ensure an investigation within 24 hours.

The description of the registry's required functions varies slightly between the sections governing aged and disabled adults and those governing children. For example, provisions similar to s. 415.103(3)(a)3 and 4., F.S., are not included in s. 415.504(4)(a), F.S. The language in the law does not reflect the requirements for classifying records. The law does not include any statements regarding the use of an automated system with tracking

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19 186d

capability to ensure that critical points of investigation are met and to provide timely management of cases by investigators and supervisors.

Current law does not specify types of information that should be gathered on alleged perpetrators during the protective investigation for purposes of the registry.

Chapter 415, F.S., does not require the utilization of standardized risk assessment instruments. According to the department, workers assess risk without established instruments, providing no consistency or framework. However, it should be noted that the department has developed such an instrument which is being field tested and is to be implemented through policy on a statewide basis.

The current law does not make it incumbent upon the investigator to make certain that identified needed services are provided through early intervention of others within the department.

Chapter 415 allows indicated reports of child abuse to be indexed on the abuse registry only by the name of the abused or neglected aged person, disabled adult, or child.

Provisions in the corresponding sections on immunity from liability for aged persons and disabled adults and for children contain different protections.

The confidentiality of reports used in administrative hearings pursuant to ss. 415.103 and 415.504, F.S., is extended to cases of abuse but not neglect.

Chapter 415, F.S., does not provide a penalty for persons who willfully and knowingly make false reports of abuse, neglect, or exploitation or who cause others to make such reports.

Pursuant to Chapter 20.19, F.S., the Department of HRS has a single intake system for dependent and delinquent children. The law does not reflect current distinctions made by 1988 statutory changes in the definition of dependency.

Chapter 415, F.S., refers to investigations as protective investigations while under Chapter 39, F.S., the investigations are considered to be part of the intake process for dependency. Under Chapter 39, F.S., an intake officer handling dependency cases not only investigates to determine dependency and safety, including removal, but also provides or recommends services to the family to prevent removal of a child or to accommodate the possible return of the child. In most locations intake officers under Chapter 39, F.S., handle abuse/neglect investigations, families and children in need of service cases and requests for services. In many areas the same people investigate delinquency cases. With regard to investigations under Aging and Adult Services, investigators handle abuse/neglect investigations, supportive services, home care for the elderly, alternate care for the elderly, alternate care placement and supervision of adult foster home placements.

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B. EFFECT OF PROPOSED CHANGES:

PCB 4 amends s. 20.19, F.S., Parts I, III, and IV of Chapter 39, F.S., and several sections in Chapter 415, F.S., to address concerns brought to the attention of the Social, Economic and Developmental Services Subcommittee that are mentioned in the present situation portion of the staff analysis. Those changes are:

- o requiring use of the statewide toll-free hotline to receive all reports of abuse, neglect or exploitation for aged persons, disabled adults and children;
- o deleting the requirement for immediate notification of local staff for all reports of abuse, neglect, and exploitation;
- o documenting utilization of an automated data system;
- o requiring the utilization of standardized risk assessment instruments in protective investigations;
- o strengthening the required role of the abuse registry in tracking critical steps in the investigation to make certain that all required actions are taken;
- o authorizing the indexing of an indicated report of abuse/neglect/exploitation by names of all subjects of the report;
- o requiring additional information to be obtained on alleged perpetrators;
- o requiring the delivery of services through the early intervention of services workers;
- o distinguishing the role of the investigator from that of the service worker; and
- o specifying the role of the investigator in dependency proceedings.

The legislation also more closely conforms the child abuse portions of the law regarding responsibility of the abuse registry and immunity to those of the aged and disabled adult portions.

PCB 4 provides a penalty for false reporting.

PCB 4 amends provisions on confidentiality in administrative hearings to make certain neglect reports are handled similarly to abuse reports.

Finally, PCB 4 amends language in Chapter 39 to provide that adult relatives will be given priority consideration over non-relative placements when a child must be removed from the home setting because of abuse, abandonment or neglect.

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 20.19(4)2.c., F.S., to conform responsibilities of the Children, Youth and Families Program Office to changes made in Chapter 39, F.S., last session, to reflect the proposed changes in the intake function and to reflect current responsibilities: protective investigation services for abandoned, abused, and neglected children and intake services for delinquent children, families in need of services, children in need of services and interstate compact on the placement of children.

Amends s. 20.19(5)(c)3., F.S., to reflect departmental headquarters changes described above at the district level.

Section 2. Amends s. 39.01, F.S., by changing the term "intake" to refer only to non-dependency cases, changing the term "intake officer" to delete responsibility for dependency cases, adds definitions of "protective investigation" and "protective investigator." Provides that placement with a relative shall be given priority consideration over a non-relative placement.

Section 3. Amends s. 39.401, F.S., to reflect change in terminology from "intake officer" to "protective investigator." Provides that placement with a relative shall be given priority consideration over a non-relative placement. Also states that the protective investigation office receives reports on cases involving abuse, neglect, or abandonment. All others are referred to the appropriate service unit of the local Children, Youth, and Families Office in the department. Only abused, abandoned or neglected children are to be delivered to the protective investigation office; others go to the appropriate unit office. The term "caretaker/homemaker" is changed to "housekeeper/homemaker."

Section 4. Amends s. 39.402, F.S., to conform terminology.

Section 5. Amends s. 39.403, F.S. Changes "intake" to "protective investigation." Requires all reports or complaints of abuse or neglect as defined in s. 415.503, F.S., to be reported to the central abuse registry and tracking system. Requires other dependency allegations to be reported to appropriate service unit of the local Children, Youth, and Families Office. Distinguishes to whom a complainant will furnish information. Conforms changes in terminology.

Section 6. Amends s. 39.404(3) and (6), F.S., to conform to changes in terminology.

Section 7. Amends s. 110.1127(3)(a), F.S., to correct cross-reference

Section 8. Amends s. 415.103, F.S. Renames the "central abuse registry" to "central abuse registry and tracking system." Requires all reports to go directly to the registry and tracking system. Clarifies functions the system will enable the Department of HRS to perform, including tracking critical steps in investigative process to ensure compliance with requirements. Provides central abuse registry and tracking system with authority to determine which reports require immediate on-site protective investigations and which require investigation within 24 hours. Provides procedures for notification of local Aging and Adult Services Office based upon the determination. Permits indexing of an indicated report by names of all subjects of the report. Adds neglect reports to the confidentiality requirement during the administrative hearing process.

Section 9. Amends s. 415.104, F.S., requiring date of birth instead of age for information gathered on persons who are subjects of the report. Requires certain information to be gathered on alleged perpetrator. States that the alleged perpetrator shall cooperate in provision of information. Requires utilization of standardized risk assessment instruments. Expedites delivery of early intervention services through departmental worker identified.

Section 10. Amends s. 415.107, F.S., to conform changes in terminology and to require reports to be made directly to the central abuse registry and tracking system.

Section 11. Amends s. 415.111, F.S., to conform change in terminology and to provide a penalty for false reporting or causing others to make false report. The penalty is a second degree misdemeanor.

Section 12. Amends s. 415.503(4), F.S., to conform terminology.

Section 13. Amends s. 415.504, F.S. Renames "abuse registry" to "central abuse registry and tracking system." Requires all reports to go directly to the registry and tracking system. Clarifies functions the system will enable the Department of HRS to perform, including tracking critical steps to ensure compliance, maintaining and producing reports, and serving as a resource for evaluation, management, and planning. Provides registry and tracking system with authority to determine which reports need immediate on-site protective investigations and which require investigations within 24 hours. Provides procedures for notification of local offices. Permits indexing of an indicated report by names of all subjects of the report. Adds neglect reports to the confidentiality requirement during the administrative hearing process.

Section 14. Amends s. 415.505, F.S., to accomplish the identical functions described in section 9.

Section 15. Amends s. 415.5055, F.S., to conform terminologies.

Section 16. Amends s. 415.509, F.S., to conform terminologies

Section 17. Amends s. 415.51, F.S., to conform changes in terminology and to require reports to be made directly to the central abuse registry and tracking system.

Section 18. Amends s. 415.511, F.S., to provide greater conformity in the immunity from liability provisions for aged persons and disabled adults and children.

Section 19. Amends s. 415.513, F.S., to conform changes in terminology and to provide a penalty for false reporting. Language identical to proposed change in s. 415.111, F.S.

Section 20. Amends s. 959.06, F.S., to correct cross-reference.

Section 21. Provides October 1, 1988, effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects.

According to the Department of Health and Rehabilitative Services, there is a need for an additional 384 positions to implement the legislation. In addition to the 384 positions, the Department anticipates a need for OPS staff for a portion of the first year. The following indicates the cost for the OPS staff and the operating capital outlay for all positions requested.

	1988-1989
Other Personal Services (OPS)	
Temporary Employment Costs	\$ 725,283
Operating Capital Outlay	\$ 832,368
TOTAL Non-recurring	\$1,557,651

2. Recurring or Annualized Continuation Effects.

The following reflects the recurring administrative costs for the 384 positions needed to implement the legislation. The figures for 1988-89 are for 9 month funding since the legislation does not take effect until October 1, 1988. The figures for 1989-90 represent the annualized amounts.

	1988-89	1989-90
Salaries & Benefits		
<u>Position Type</u> <u>No. FTE</u>		
Clerical 102		
Professional 1		
Supervisory 264		
Other 17		
TOTAL 384	\$ 8,225,668	\$10,014,543
Expenses for FTEs	\$ 3,389,549	\$ 4,087,704
Other Administrative Costs	\$ 3,371,764	\$ 2,166,672
TOTAL RECURRING/ANNUALIZED	\$14,986,971	\$16,268,919

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

	1988-89	1989-90
Total Cost		
FTEs 384		-0-
General Revenue Fund \$14,644,632		\$16,268,919
Other Funds \$ 1,900,000		
Total Funds \$16,544,632		\$16,268,919

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise, and Employment Markets:

None

D. FISCAL COMMENTS:

The legislation has a potential positive economic impact on both the public and government through dollar savings in future costs for the care of children who are not protected to the fullest extent because of inappropriate decisions to remove a child from a home setting or decisions not to remove.

III. LONG RANGE CONSEQUENCES:

Not only does the legislation have a potential positive economic impact as described in the section on fiscal comments, but it also has a potential positive impact in offering better protection for children, disabled adults, and the aged who often cannot speak out to protect themselves. Failure to promptly and appropriately investigate cases and to provide the services needed to provide the greatest protection for the individual and to prevent the likelihood of a future occurrence of abuse or neglect is evident in our dependency system, mental health system, and our corrections system. The legislation could be a beginning step toward ameliorating the high costs in dollars and cents and in humanity caused by those systems.

IV. COMMENTS:

None

V. AMENDMENTS:

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Staff Director

Judy C. Justice/tbc

Tom Batchelor, Ph.D.

FINANCE & TAXATION:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:

STORAGE NAME: \dw\8sum\PCB4.jj
Date: February 28, 1988
Revised:
Final *

HOUSE OF REPRESENTATIVES
COMMITTEE ON HEALTH & REHABILITATIVE SERVICES
STAFF ANALYSIS

BILL #: PCB 4

RELATING TO: Abuse/Neglect of Aged, Disabled Adults, and Children

SPONSOR(S): HRS Committee

EFFECTIVE DATE: October 1, 1988

COMPANION BILLS:

OTHER COMMITTEES OF REFERENCE: (1)

(2)

I. SUMMARY:

A. Present Situation:

Under Chapter 415, F.S., a central abuse registry is established to receive reports of alleged abuse, neglect or exploitation of aged persons and disabled adults and to receive reports of alleged abuse or neglect of children. The registry accepts reports in writing or through a single statewide toll-free telephone number and is available 24 hours a day seven days a week. The registry not only receives reports but performs such tasks as screening for prior reports, relaying information to investigative staff, monitoring and evaluating effectiveness of reporting and investigating of reports, and maintaining and producing aggregate statistical data summaries.

Chapter 415, F.S., also provides that a person does not have to report directly to the central registry but may report directly to local offices of the department responsible for investigation of reports of abuse, neglect or exploitation. At one time this involved approximately 181 different offices statewide.

Subsections 415.103(3) and 415.504(4), F.S., require that the central abuse registry immediately notify the local staff of the department of all allegations of abuse, neglect or exploitation. No provision is made for trained registry staff to screen calls and refer only those needing immediate action during the night and early morning hours and refer others within enough time to ensure an investigation within 24 hours.

The description of the registry's required functions varies slightly between the sections governing aged and disabled adults and those governing children. For example, provisions similar to s. 415.103(3)(a)3. and 4., F.S., are not included in s. 415.504(4)(a), F.S. The language in the law does not reflect the requirements for

Page 2
Bill #: PCB 4
Date: February 29, 1988

classifying records. The law does not include any statements regarding the use of an automated system with tracking capability to ensure that critical points of investigation are met and to provide timely management of cases by investigators and supervisors.

Current law does not specify types of information that should be gathered on alleged perpetrators during the protective investigation for purposes of the registry.

Chapter 415, F.S., does not require the utilization of standardized risk assessment instruments. According to the department, workers assess risk without established instruments, providing no consistency or framework. However, it should be noted that the department has developed such an instrument which is being field tested and is to be implemented through policy on a statewide basis.

The current law does not make it incumbent upon the investigator to make certain that identified needed services are provided through early intervention of others within the department.

Provisions in the corresponding sections on immunity from liability for aged persons and disabled adults and for children contain different protections.

The confidentiality of reports used in administrative hearings pursuant to ss. 415.103 and 415.504, F.S., is extended to cases of abuse but not neglect.

Chapter 415, F.S., does not provide a penalty for persons who willfully and knowingly make false reports of abuse, neglect, or exploitation or who cause others to make such reports.

Pursuant to Chapter 20.19, F.S., the Department of HRS has a single intake system for dependent and delinquent children. The law does not reflect current distinctions made by 1988 statutory changes in the definition of dependency.

Chapter 415, F.S., refers to investigations as protective investigations while under Chapter 39, F.S., the investigations are considered to be part of the intake process for dependency. Under Chapter 39, F.S., an intake officer handling dependency cases not only investigates to determine dependency and safety, including removal, but also provides or recommends services to the family to prevent removal of a child or to accommodate the possible return of the child. In most locations intake officers under Chapter 39, F.S., handle abuse/neglect investigations, families and children in need of service cases and requests for services. In many areas the same people investigate delinquency cases. With regard to investigations under Aging and Adult Services, investigators handle abuse/neglect investigations, supportive services, home care for the elderly, alternate care for the elderly, alternate care placement and supervision of adult foster home placements.

B. Effect of Proposed Changes:

PCB 4 amends s. 20.19, F.S., Parts I, III, and IV of Chapter 39, F.S., and several sections in Chapter 415, F.S., to address concerns brought to the attention of the Social, Economic and Developmental Services Subcommittee that are mentioned in the present situation portion of the staff analysis. Those changes are:

- requiring use of the statewide toll-free hotline to receive all reports of abuse, neglect or exploitation for aged persons, disabled adults and children;
- deleting the requirement for immediate notification of local staff for all reports of abuse, neglect, and exploitation;
- documenting utilization of an automated data system,
- requiring the utilization of standardized risk assessment instruments in protective investigations;
- strengthening the required role of the abuse registry in tracking critical steps in the investigation to make certain that all required actions are taken;
- requiring additional information to be obtained on alleged perpetrators;
- requiring the delivery of services through the early intervention of services workers,
- distinguishing the role of the investigator from that of the service worker, and
- specifying the role of the investigator in dependency proceedings.

The legislation also more closely conforms the child abuse portions of the law regarding responsibility of the abuse registry and immunity to those of the aged and disabled adult portions.

PCB 4 provides a penalty for false reporting.

Finally, PCB 4 amends provisions on confidentiality in administrative hearings to make certain neglect reports are handled similarly to abuse reports

C Section by Section Analysis:

Section 1. Amends s. 20.19(4)2.e., F.S., to conform responsibilities of the Children, Youth and Families Program Office to changes made in Chapter 39, F.S., last session and to reflect the proposed changes in the intake function: protective investigation services for abandoned, abused, and neglected children and intake services for

delinquent children, families in need of services, and children in need of services.

Amends s. 20.19(5)(c)3., F.S., to reflect departmental headquarters changes described above at the district level.

Section 2. Amends s. 39.01, F.S., by changing the term "intake" to refer only to non-dependency cases, changing the term "intake officer" to delete responsibility for dependency cases, adds definitions of "court intake" and "protective investigator."

Section 3. Amends s. 39.401, F.S., to reflect change in terminology from "intake officer" to "protective investigator." Also states that the protective investigation office receives reports on cases involving abuse, neglect, or abandonment. All others are referred to the appropriate service unit in the department. Only abused, abandoned or neglected children are to be delivered to the protective investigation office; others go to the appropriate unit office.

Section 4. Amends s. 39.402, F.S., to conform terminology.

Section 5. Amends s. 39.403, F.S. Changes "intake" to "court intake." Requires all reports or complaints of abuse or neglect as defined in s. 415.503, F.S., to be reported to the central abuse registry and tracking system. Requires other dependency allegations to be reported to local Children, Youth and Families Office. Distinguishes to whom a complainant will furnish information. Conforms changes in terminology.

Section 6. Amends s. 39.404(3) and (6), F.S., to conform to changes in terminology.

Section 7. Amends s. 39.423(2), F.S., to correct cross-reference.

Section 8. Amends s. 415.103, F.S. Renames the "central abuse registry" to "central abuse registry and tracking system." Requires all reports to go directly to the registry and tracking system. Clarifies functions the system will enable the Department of HRS to perform, including tracking critical steps in investigative process to ensure compliance with requirements. Provides central abuse registry and tracking system with authority to determine which reports require immediate on-site protective investigations and which require investigation within 24 hours. Provides procedures for notification of local Aging and Adult Services Office based upon the determination. Adds neglect reports to the confidentiality requirement during the administrative hearing process.

Section 9. Amends s. 415.104, F.S., requiring date of birth instead of age for information gathered on persons who are subjects of the report. Requires certain information to be gathered on perpetrator. States perpetrator shall cooperate in provision of information. Requires utilization of standardized risk assessment instruments. Expedites delivery of early intervention services through departmental worker identified.

Section 10. Amends s. 415.107, F.S., to conform changes in terminology and to require reports to be made directly to the central abuse registry and tracking system.

Section 11. Amends s. 415.111, F.S., to conform change in terminology and to provide a penalty for false reporting or causing others to make false report. The penalty is a second degree misdemeanor.

Section 12. Amends s. 415.503(4), F.S., to conform terminology.

Section 13. Amends s. 415.504, F.S. Renames "abuse registry" to "central abuse registry and tracking system." Requires all reports to go directly to the registry and tracking system. Clarifies functions the system will enable the Department of HRS to perform, including tracking critical steps to ensure compliance, maintaining and producing reports, and serving as a resource for evaluation, management, and planning. Provides registry and tracking system with authority to determine which reports need immediate on-site protective investigations and which require investigations within 24 hours. Provides procedures for notification of local offices. Adds neglect reports to the confidentiality requirement during the administrative hearing process.

Section 14. Amends s. 415.505, F.S., to accomplish the identical functions described in section 9.

Section 15. Amends s. 415.5055, F.S., to conform terminologies.

Section 16. Amends s. 415.509, F.S., to conform terminologies.

Section 17. Amends s. 415.51, F.S., to conform changes in terminology and to require reports to be made directly to the central abuse registry and tracking system.

Section 18. Amends s. 415.511, F.S., to provide greater conformity in the immunity from liability provisions for aged persons and disabled adults and children.

Section 19. Amends s. 415.513, F.S., to conform changes in terminology and to provide a penalty for false reporting. Language identical to proposed change in s. 415.111, F.S.

Section 20. Provides October 1, 1988, effective date.

II. ECONOMIC IMPACT:

A. Public:

PCB 4 has a potential positive economic impact on both the public and government through dollar savings in future costs for the care of children who are not protected to the fullest extent because of inappropriate decisions to remove a child from a home setting or decisions not to remove.

B. Government:

The Department of HRS estimates that in order to implement PCB 4 there is a need for 384 additional staff and \$16,544,632 for total administrative costs. The administrative costs includes \$14,644,632 in General Revenue funds and \$1,900,000 in other funds.

III. STATE COMPREHENSIVE PLAN IMPACT:

PCB 4 is consistent with the goal for Children contained in the Comprehensive State Plan as well as policies 1, 8, 11, 13, and 19 under the section related to children.

IV. COMMENTS:

None

V. AMENDMENTS:

VI. PREPARED BY: Judy C. Justice 

VII. STAFF DIRECTOR: Tom Batchelor, Ph.D.

PROTECTIVE SERVICES -- HB 1515

19 1864

House Bill 1515 provides a comprehensive approach for receiving, screening and investigating reports of abuse, neglect and exploitation of children, disabled adults and the elderly. This initiative helps to better protect our vulnerable citizens from abuse and neglect. It also helps to better ensure that persons are not unnecessarily removed from their homes nor left in dangerous situations. House Bill 1515 includes the following major points:

1. All reports are centrally received at one statewide hotline and screened by trained professionals;
2. The role of the investigator in abuse and neglect investigations is separated from that of the service worker;
3. Services are provided earlier in the process through the early intervention of service workers;
4. The role of the investigator in dependency proceedings for children is clarified;

5. A standardized risk assessment will be used by all investigators;
6. The system or initiative requires that the current abuse reporting and tracking system become more accountable for reports and investigations. The system is to be a comprehensive data system for tracking, management and accountability.
7. The legislation and the initiative provides for the development of a single database for recording abuse/neglect cases and generation of reliable statistical reports.

The legislation also more closely conforms the child abuse portions of the law with comparable portions for aged and disabled adults. It also provides a penalty for willfully and knowingly making false reports of abuse or neglect.

Finally, the legislation provides that adult relatives will be given priority consideration over non-relative placements when a child must be removed from the home setting because of abuse, abandonment or neglect.

HOUSE BILL 1515 (HRS-PCB-04)

SECTION-BY-SECTION

Section 1. Amends s. 20.19(4)2.e., F.S., to conform responsibilities of the Children, Youth and Families Program Office to changes made in Chapter 39, F.S., last session, to reflect the proposed changes in the intake function and to reflect current responsibilities: protective investigation services for abandoned, abused, and neglected children and intake services for delinquent children, families in need of services, children in need of services and interstate compact on the placement of children.

Amends s. 20.19(5)(c)3., F.S., to reflect departmental headquarters changes described above at the district level.

Section 2. Amends s. 39.01, F.S., by changing the term "intake" to refer only to non-dependency cases, changing the term "intake officer" to delete responsibility for dependency cases, adds definitions of "protective investigation" and "protective investigator." Provides that placement with a relative shall be given priority consideration over a non-relative placement.

Section 3. Amends s. 39.401, F.S., to reflect change in terminology from " intake officer" to "protective investigator." Provides that placement with a relative shall be given priority consideration over a non-relative placement. Also states that the protective

investigation office receives reports on cases involving abuse, neglect, or abandonment. All others are referred to the appropriate service unit of the local Children, Youth, and Families Office in the department. Only abused, abandoned or neglected children are to be delivered to the protective investigation office; others go to the appropriate unit office. The term "caretaker/homemaker" is changed to "housekeeper/homemaker."

Section 4. Amends s. 39.402, F.S., to conform terminology.

Section 5. Amends s. 39.403, F.S. Changes "intake" to "protective investigation." Requires all reports or complaints of abuse or neglect as defined in s. 415.503, F.S., to be reported to the central abuse registry and tracking system. Requires other dependency allegations to be reported to appropriate service unit of the local Children, Youth, and Families Office. Distinguishes to whom a complainant will furnish information. Conforms changes in terminology.

Section 6. Amends s. 39.404(3) and (6), F.S., to conform to changes in terminology.

Section 7. Amends s. 110.1127(3)(a), F.S., to correct cross-reference.

Section 8. Amends s. 415.103, F.S. Renames the "central abuse registry" to "central abuse registry and tracking system." Requires all reports to go directly to the registry and tracking system. Clarifies functions the system will enable the Department of HRS to perform, including tracking critical steps in investigative process to ensure compliance with requirements. Provides central abuse registry and tracking system with authority to determine which reports require immediate on-site protective investigations and which require investigation within 24 hours. Provides procedures for notification of local Aging and Adult Services Office based upon the determination. Permits indexing of an indicated report by names of all subjects of the report. Adds neglect reports to the confidentiality requirement during the administrative hearing process.

Section 9. Amends s. 415.104, F.S., requiring date of birth instead of age for information gathered on persons who are subjects of the report. Requires certain information to be gathered on alleged perpetrator. States that the alleged perpetrator shall cooperate in provision of information. Requires utilization of standardized risk assessment instruments. Expedites delivery of early intervention services through departmental worker identified.

Section 10. Amends s. 415.107, F.S., to conform changes in terminology and to require reports to be made directly to the central abuse registry and tracking system.

Section 11. Amends s. 415.111, F.S., to conform change in terminology and to provide a penalty for false reporting or causing others to make false report. The penalty is a second degree misdemeanor.

Section 12. Amends s. 415.503(4), F.S., to conform terminology.

Section 13. Amends s. 415.504, F.S. Renames "abuse registry" to "central abuse registry and tracking system." Requires all reports to go directly to the registry and tracking system. Clarifies functions the system will enable the Department of HRS to perform, including tracking critical steps to ensure compliance, maintaining and producing reports, and serving as a resource for evaluation, management, and planning. Provides registry and tracking system with authority to determine which reports need immediate on-site protective investigations and which require investigations within 24 hours. Provides procedures for notification of local offices. Permits indexing of an indicated report by names of all subjects of the report.

Adds neglect reports to the confidentiality requirement during the administrative hearing process.

Section 14. Amends s. 415.505, F.S., to accomplish the identical functions described in section 9.

Section 15. Amends s. 415.5055, F.S., to conform terminologies.

Section 16. Amends s. 415.509, F.S., to conform terminologies.

Section 17. Amends s. 415.51, F.S., to conform changes in terminology and to require reports to be made directly to the central abuse registry and tracking system.

Section 18. Amends s. 415.511, F.S., to provide greater conformity in the immunity from liability provisions for aged persons and disabled adults and children.

Section 19. Amends s. 415.513, F.S., to conform changes in terminology and to provide a penalty for false reporting. Language identical to proposed change in s. 415.111, F.S.

Section 20. Amends s. 959.06, F.S., to correct cross-reference.

Section 21. Provides October 1, 1988, effective date.

STORAGE NAME: HB 1184
Date: April 18, 1988

*
HOUSE OF REPRESENTATIVES
COMMITTEE ON CRIMINAL JUSTICE
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 1184 19 1870
San Huan
4-19-88
RELATING TO: Child abuse reporting
SPONSOR(S): Representatives Bloom, Cosgrove, Saunders, Thomas, Guber,
Abrams and Friedman
EFFECTIVE DATE: Upon becoming law
COMPANION BILL(S): None
OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2) _____

I. SUMMARY:

A. PRESENT SITUATION:

Currently, s. 415.511, F.S., provides that any person, official, or institution participating in good faith in any act pursuant to ss. 415.502 - 415.514, F.S., shall be immune from any civil or criminal liability. Sections 415.502 - 415.514, F.S., involves comprehensive protective services for abused or neglected children. These sections require that reports of each abused or neglected child be made to the Department of Health and Rehabilitative Services.

B. EFFECT OF PROPOSED CHANGES:

HB 1184 amends s. 415.511, F.S., providing that persons required by s. 415.504, F.S., (e.g., physicians, nurses, hospital personnel, mental health professionals, school teachers, social workers, day-care center workers, law enforcement officers and others) to report known or suspected child abuse or neglect to the department and whom fail to report such incidents, shall be criminally liable pursuant to s. 415.513, F.S., but shall not be civilly liable for damages based on such failure.

C. SECTION-BY-SECTION ANALYSIS:

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

Indeterminate

2. Recurring or Annualized Continuation Effects:

Indeterminate

3. Long Run Effects Other Than Normal Growth:

Indeterminate

4. Appropriations Consequences:

Indeterminate

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

Indeterminate

2. Recurring or Annualized Continuation Effects:

Indeterminate

3. Long Run Effects Other Than Normal Growth:

Indeterminate

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Indeterminate

2. Direct Private Sector Benefits:

Indeterminate

3. Effects on Competition, Private Enterprise, and Employment Markets:

Indeterminate

D. FISCAL COMMENTS:

III. LONG RANGE CONSEQUENCES:

IV. COMMENTS:

V. AMENDMENTS:

Page 3
Bill #: HB 1184
Date: April 18, 1988

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Karen Mann, Staff Analyst

Staff Director:

Bill Ryan

APPROPRIATIONS:

Prepared by:

Staff Director:

STORAGE NAME: CS/HB 1184f
Date: April 22, 1988

HOUSE OF REPRESENTATIVES
COMMITTEE ON CRIMINAL JUSTICE
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS/HB 1184

19 1871

RELATING TO: Child abuse reporting

SPONSOR(S): Representatives Bloom, Cosgrove, Saunders, Thomas, Guber,
Abrams and Friedman

EFFECTIVE DATE: Upon becoming law

COMPANION BILL(S): None

OTHER COMMITTEES OF REFERENCE: (1) Appropriations

(2) _____

I. SUMMARY:

A. PRESENT SITUATION:

Currently, s. 415.511, F.S., provides that any person, official, or institution participating in good faith in any act pursuant to ss. 415.502 - 415.514, F.S., shall be immune from any civil or criminal liability. Sections 415.502 - 415.514, F.S., involves comprehensive protective services for abused or neglected children. These sections require that reports of each abused or neglected child be made to the Department of Health and Rehabilitative Services.

B. EFFECT OF PROPOSED CHANGES:

HB 1184 amends s. 415.511, F.S., providing that persons required by s. 415.504, F.S., (e.g., physicians, nurses, hospital personnel, mental health professionals, school teachers, social workers, day-care center workers, law enforcement officers and others) to report known or suspected child abuse or neglect to the department and whom reasonably fail to report such incidents, shall be immune from any civil or criminal liability.

C. SECTION-BY-SECTION ANALYSIS:

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

Indeterminate

2. Recurring or Annualized Continuation Effects:

Indeterminate

3. Long Run Effects Other Than Normal Growth:

Indeterminate

4. Appropriations Consequences:

Indeterminate

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

Indeterminate

2. Recurring or Annualized Continuation Effects:

Indeterminate

3. Long Run Effects Other Than Normal Growth:

Indeterminate

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Indeterminate

2. Direct Private Sector Benefits:

Indeterminate

3. Effects on Competition, Private Enterprise, and Employment Markets:

Indeterminate

D. FISCAL COMMENTS:

III. LONG RANGE CONSEQUENCES:

IV. COMMENTS:

V. AMENDMENTS:

Page 3
Bill.#: CS/HB 1184
Date: April 22, 1988

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

KW
Karen Mann, Staff Analyst

Staff Director:

BR
Bill Ryan

APPROPRIATIONS:

Prepared by:

Staff Director:

STORAGE NAME: \dw\8sum\PCB4a.jj/tc
Date: April 10, 1988

HOUSE OF REPRESENTATIVES
COMMITTEE ON HEALTH & REHABILITATIVE SERVICES
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

19 r64

BILL #: PCB 4
RELATING TO: Abuse/Neglect of Aged, Disabled Adults, and Children
SPONSOR(S): HRS Committee
EFFECTIVE DATE: October 1, 1988
COMPANION BILL(S):
OTHER COMMITTEES OF REFERENCE: (1)
(2)

I. SUMMARY:

A. PRESENT SITUATION:

Under Chapter 415, F.S., a central abuse registry is established to receive reports of alleged abuse, neglect or exploitation of aged persons and disabled adults and to receive reports of alleged abuse or neglect of children. The registry accepts reports in writing or through a single statewide toll-free telephone number and is available 24 hours a day seven days a week. The registry not only receives reports but performs such tasks as screening for prior reports, relaying information to investigative staff, monitoring and evaluating effectiveness of reporting and investigating of reports, and maintaining and producing aggregate statistical data summaries.

Chapter 415, F.S., also provides that a person does not have to report directly to the central registry but may report directly to local offices of the department responsible for investigation of reports of abuse, neglect or exploitation. At one time this involved approximately 181 different offices statewide.

Subsections 415.103(3) and 415.504(4), F.S., require that the central abuse registry immediately notify the local staff of the department of all allegations of abuse, neglect or exploitation. No provision is made for trained registry staff to screen calls and refer only those needing immediate action during the night and early morning hours and refer others within enough time to ensure an investigation within 24 hours.

The description of the registry's required functions varies slightly between the sections governing aged and disabled adults and those governing children. For example, provisions similar to s. 415.103(3)(a)3. and 4., F.S., are not included in s. 415.504(4)(a), F.S. The language in the law does not reflect the requirements for classifying records. The law does not include any statements regarding the use of an automated system with tracking

capability to ensure that critical points of investigation are met and to provide timely management of cases by investigators and supervisors.

Current law does not specify types of information that should be gathered on alleged perpetrators during the protective investigation for purposes of the registry.

Chapter 415, F.S., does not require the utilization of standardized risk assessment instruments. According to the department, workers assess risk without established instruments, providing no consistency or framework. However, it should be noted that the department has developed such an instrument which is being field tested and is to be implemented through policy on a statewide basis.

The current law does not make it incumbent upon the investigator to make certain that identified needed services are provided through early intervention of others within the department.

Chapter 415 allows indicated reports of child abuse to be indexed on the abuse registry only by the name of the abused or neglected aged person, disabled adult, or child.

Provisions in the corresponding sections on immunity from liability for aged persons and disabled adults and for children contain different protections.

The confidentiality of reports used in administrative hearings pursuant to ss. 415.103 and 415.504, F.S., is extended to cases of abuse but not neglect.

Chapter 415, F.S., does not provide a penalty for persons who willfully and knowingly make false reports of abuse, neglect, or exploitation or who cause others to make such reports.

Pursuant to Chapter 20.19, F.S., the Department of HRS has a single intake system for dependent and delinquent children. The law does not reflect current distinctions made by 1988 statutory changes in the definition of dependency.

Chapter 415, F.S., refers to investigations as protective investigations while under Chapter 39, F.S., the investigations are considered to be part of the intake process for dependency. Under Chapter 39, F.S., an intake officer handling dependency cases not only investigates to determine dependency and safety, including removal, but also provides or recommends services to the family to prevent removal of a child or to accommodate the possible return of the child. In most locations intake officers under Chapter 39, F.S., handle abuse/neglect investigations, families and children in need of service cases and requests for services. In many areas the same people investigate delinquency cases. With regard to investigations under Aging and Adult Services, investigators handle abuse/neglect investigations, supportive services, home care for the elderly, alternate care for the elderly, alternate care placement and supervision of adult foster home placements.

B. EFFECT OF PROPOSED CHANGES:

PCB 4 amends s. 20.19, F.S., Parts I, III, and IV of Chapter 39, F.S., and several sections in Chapter 415, F.S., to address concerns brought to the attention of the Social, Economic and Developmental Services Subcommittee that are mentioned in the present situation portion of the staff analysis. Those changes are:

- o requiring use of the statewide toll-free hotline to receive all reports of abuse, neglect or exploitation for aged persons, disabled adults and children;
- o deleting the requirement for immediate notification of local staff for all reports of abuse, neglect, and exploitation;
- o documenting utilization of an automated data system;
- o requiring the utilization of standardized risk assessment instruments in protective investigations;
- o strengthening the required role of the abuse registry in tracking critical steps in the investigation to make certain that all required actions are taken;
- o authorizing the indexing of an indicated report of abuse/neglect/exploitation by names of all subjects of the report;
- o requiring additional information to be obtained on alleged perpetrators;
- o requiring the delivery of services through the early intervention of services workers;
- o distinguishing the role of the investigator from that of the service worker; and
- o specifying the role of the investigator in dependency proceedings.

The legislation also more closely conforms the child abuse portions of the law regarding responsibility of the abuse registry and immunity to those of the aged and disabled adult portions.

PCB 4 provides a penalty for false reporting.

PCB 4 amends provisions on confidentiality in administrative hearings to make certain neglect reports are handled similarly to abuse reports.

Finally, PCB 4 amends language in Chapter 39 to provide that adult relatives will be given priority consideration over non-relative placements when a child must be removed from the home setting because of abuse, abandonment or neglect.

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 20.19(4)2.e., F.S., to conform responsibilities of the Children, Youth and Families Program Office to changes made in Chapter 39, F.S., last session, to reflect the proposed changes in the intake function and to reflect current responsibilities: protective investigation services for abandoned, abused, and neglected children and intake services for delinquent children, families in need of services, children in need of services and interstate compact on the placement of children.

Amends s. 20.19(5)(c)3., F.S., to reflect departmental headquarters changes described above at the district level.

Section 2. Amends s. 39.01, F.S., by changing the term "intake" to refer only to non-dependency cases, changing the term "intake officer" to delete responsibility for dependency cases, adds definitions of "protective investigation" and "protective investigator." Provides that placement with a relative shall be given priority consideration over a non-relative placement.

Section 3. Amends s. 39.401, F.S., to reflect change in terminology from " intake officer" to "protective investigator." Provides that placement with a relative shall be given priority consideration over a non-relative placement. Also states that the protective investigation office receives reports on cases involving abuse, neglect, or abandonment. All others are referred to the appropriate service unit of the local Children, Youth, and Families Office in the department. Only abused, abandoned or neglected children are to be delivered to the protective investigation office; others go to the appropriate unit office. The term "caretaker/homemaker" is changed to "housekeeper/homemaker."

Section 4. Amends s. 39.402, F.S., to conform terminology.

Section 5. Amends s. 39.403, F.S. Changes "intake" to "protective investigation." Requires all reports or complaints of abuse or neglect as defined in s. 415.503, F.S., to be reported to the central abuse registry and tracking system. Requires other dependency allegations to be reported to appropriate service unit of the local Children, Youth, and Families Office. Distinguishes to whom a complainant will furnish information. Conforms changes in terminology.

Section 6. Amends s. 39.404(3) and (6), F.S., to conform to changes in terminology.

Section 7. Amends s. 39.423(2), F.S., to correct cross-reference.

Section 8. Amends s. 415.103, F.S. Renames the "central abuse registry" to "central abuse registry and tracking system." Requires all reports to go directly to the registry and tracking system. Clarifies functions the system will enable the Department of HRS to perform, including tracking critical steps in investigative process to ensure compliance with requirements. Provides central abuse registry and tracking system with authority to determine which reports require immediate on-site protective investigations and which require investigation within 24 hours. Provides procedures for notification of local Aging and Adult Services Office based upon the determination. Permits indexing of an indicated report by names of all subjects of the report. Adds neglect reports to the confidentiality requirement during the administrative hearing process.

Section 9. Amends s. 415.104, F.S., requiring date of birth instead of age for information gathered on persons who are subjects of the report. Requires certain information to be gathered on alleged perpetrator. States that the alleged perpetrator shall cooperate in provision of information. Requires utilization of standardized risk assessment instruments. Expedites delivery of early intervention services through departmental worker identified.

Section 10. Amends s. 415.107, F.S., to conform changes in terminology and to require reports to be made directly to the central abuse registry and tracking system.

Section 11. Amends s. 415.111, F.S., to conform change in terminology and to provide a penalty for false reporting or causing others to make false report. The penalty is a second degree misdemeanor.

Section 12. Amends s. 415.503(4), F.S., to conform terminology.

Section 13. Amends s. 415.504, F.S. Renames "abuse registry" to "central abuse registry and tracking system." Requires all reports to go directly to the registry and tracking system. Clarifies functions the system will enable the Department of HRS to perform, including tracking critical steps to ensure compliance, maintaining and producing reports, and serving as a resource for evaluation, management, and planning. Provides registry and tracking system with authority to determine which reports need immediate on-site protective investigations and which require investigations within 24 hours. Provides procedures for notification of local offices. Permits indexing of an indicated report by names of all subjects of the report. Adds neglect reports to the confidentiality requirement during the administrative hearing process.

Section 14. Amends s. 415.505, F.S., to accomplish the identical functions described in section 9.

Section 15. Amends s. 415.5055, F.S., to conform terminologies.

Section 16. Amends s. 415.509, F.S., to conform terminologies.

Section 17. Amends s. 415.51, F.S., to conform changes in terminology and to require reports to be made directly to the central abuse registry and tracking system.

Section 18. Amends s. 415.511, F.S., to provide greater conformity in the immunity from liability provisions for aged persons and disabled adults and children.

Section 19. Amends s. 415.513, F.S., to conform changes in terminology and to provide a penalty for false reporting. Language identical to proposed change in s. 415.111, F.S.

Section 20. Provides October 1, 1988, effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

According to the Department of Health and Rehabilitative Services, there is a need for an additional 384 positions to implement the legislation. In addition to the 384 positions, the Department anticipates a need for OPS staff for a portion of the first year. The following indicates the cost for the OPS staff and the operating capital outlay for all positions requested.

	1988-1989
Other Personal Services (OPS)	
Temporary Employment Costs	\$ 725,283
Operating Capital Outlay	\$ 832,368
TOTAL Non-recurring	\$1,557,651

2. Recurring or Annualized Continuation Effects:

The following reflects the recurring administrative costs for the 384 positions needed to implement the legislation. The figures for 1988-89 are for 9 month funding since the legislation does not take effect until October 1, 1988. The figures for 1989-90 represent the annualized amounts.

		1988-89	1989-90
Salaries & Benefits			
<u>Position Type</u>	<u>No. FTE</u>		
Clerical	102		
Professional	1		
Supervisory	264		
Other	17		
TOTAL	384	\$ 8,225,668	\$10,014,543
Expenses for FTEs		\$ 3,389,549	\$ 4,087,704
Other Administrative Costs		\$ 3,371,764	\$ 2,166,672
TOTAL RECURRING/ANNUALIZED		\$14,986,971	\$16,268,919

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

	1988-89	1989-90
<u>Total Cost</u>		
FTEs	384	-0-
General Revenue Fund	\$14,644,632	\$16,268,919
Other Funds	\$ 1,900,000	
Total Funds	\$16,544,632	\$16,268,919

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise, and Employment Markets:

None

D. FISCAL COMMENTS:

The legislation has a potential positive economic impact on both the public and government through dollar savings in future costs for the care of children who are not protected to the fullest extent because of inappropriate decisions to remove a child from a home setting or decisions not to remove.

III. LONG RANGE CONSEQUENCES:

Not only does the legislation have a potential positive economic impact as described in the section on fiscal comments, but it also has a potential positive impact in offering better protection for children, disabled adults, and the aged who often cannot speak out to protect themselves. Failure to promptly and appropriately investigate cases and to provide the services needed to provide the greatest protection for the individual and to prevent the likelihood of a future occurrence of abuse or neglect is evident in our dependency system, mental health system, and our corrections system. The legislation could be a beginning step toward ameliorating the high costs in dollars and cents and in humanity caused by those systems.

IV. COMMENTS:

None

V. AMENDMENTS:

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

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