

Committee Substitute for Senate Bill No. 1442

An act relating to child protective investigations; amending s. 39.201, F.S.; clarifying persons responsible for a child's welfare; requiring personnel from the abuse hotline of the Department of Children and Family Services to determine if a report meets the criteria for child abuse, neglect, or abandonment; modifying the consideration given to specified reporters; requiring the Department of Children and Family Services to conduct an assessment in response to certain reports involving juvenile sexual offenders; deleting the reference to the professionals mandated to report child abuse, neglect, or abandonment; providing in a different subsection for the professionals' provision of their name; providing in a different subsection the stipulation that the contracted providers and employees of the judicial branch do not need to report incidents already known by the Department of Children and Family Services; providing in a different subsection the clear duty of community-based providers to report abuse, abandonment and neglect; providing that reports of out-of-state abuse not be accepted by the hotline; amending s. 39.301, F.S.; providing for an onsite investigation process for reports meeting specified criteria; requiring approval and documentation that a report meets the criteria; requiring that certain reports are subject to an enhanced onsite child protective investigation; providing criteria; providing requirements for such investigations; requiring the department to monitor the findings of the reports in its quality assurance program; amending s. 39.302, F.S.; revising the timeframe for responding to a report of institutional child abuse; amending s. 39.307, F.S.; revising a cross-reference; amending s. 39.823, F.S., relating to guardian advocates; conforming a cross-reference to changes made by the act; amending s. 414.065, F.S.; eliminating the requirement for a referral for protection intervention; requiring the Department of Children and Family Services to establish a Protective Investigator Retention Workgroup; specifying the issues to be examined and plans to be developed; requiring a report to the Legislature on the results of the examinations and plans developed; requiring a study by the Office of Program Policy Analysis and Government Accountability concerning the availability of services and a report; requiring the Department of Children and Family Services to conduct a quality assurance review of child abuse reports that are subject to an onsite child protective investigation; requiring the quality assurance review of sheriffs' offices conducting child protective investigations to be incorporated into their program performance evaluation; requiring a report to the Legislature; prohibiting the amendment of the approved operating budget to reduce protective investigative positions; requiring the Department of Children and Family Services to develop guidelines for conducting onsite and enhanced child protection investigations in collaboration with the sheriffs' offices; providing an effective date.

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

Section 1. Subsections (1), (2), (7), and (8) of section 39.201, Florida Statutes, are amended to read:

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

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

~~(a) Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;~~

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

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

~~(d) School teacher or other school official or personnel;~~

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

~~(f) Law enforcement officer; or~~

~~(g) Judge, who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in this chapter, shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).~~

(b) Reporters in the following occupation categories are required to provide their names to the hotline staff:

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

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

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

4. School teacher or other school official or personnel;

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

6. Law enforcement officer; or

7. Judge.

The names of reporters shall be entered into the record of the report, but shall be held confidential and exempt as provided in s. 39.202.

(c) A professional who is hired by or enters into a contract with the department for the purpose of treating or counseling any person, as a result of a report of child abuse, abandonment, or neglect, is not required to again report to the central abuse hotline the abuse, abandonment, or neglect that was the subject of the referral for treatment.

(d) An officer or employee of the judicial branch is not required to again provide notice of reasonable cause to suspect child abuse, abandonment, or neglect when that child is currently being investigated by the department, there is an existing dependency case, or the matter has previously been reported to the department, provided there is reasonable cause to believe the information is already known to the department. This paragraph applies only when the information has been provided to the officer or employee in the course of carrying out his or her official duties.

(e) Nothing in this chapter or in the contracting with community-based care providers for foster care and related services as specified in s. 409.1671 shall be construed to remove or reduce the duty and responsibility of any person, including any employee of the community-based care provider, to report a suspected or actual case of child abuse, abandonment, or neglect or the sexual abuse of a child to the department's central abuse hotline.

(2)(a) Each report of known or suspected child abuse, abandonment, or neglect by a parent, legal custodian, caregiver, or other person responsible for the child's welfare as defined in this chapter pursuant to this section, except those solely under s. 827.04(3), shall be made immediately to the department's central abuse hotline on the single statewide toll-free telephone number. Personnel at the department's central abuse hotline shall determine if the report received meets the statutory definition of child abuse, abandonment, or neglect. Any report meeting one of these definitions shall be accepted for the protective investigation pursuant to part III of this chapter., and,

(b) If the report is of an instance of known or suspected child abuse by someone other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare as defined in this chapter a noncaretaker, the call shall be immediately electronically transferred to the appropriate county sheriff's office by the central abuse hotline.

(c) If the report is of an instance of known or suspected child abuse, abandonment, or neglect that occurred out of state and the alleged perpetrator and the child alleged to be a victim live out of state, the central abuse hotline shall not accept the call for investigation, but shall transfer the information on the report to the appropriate state.

(d) If the report is of an instance of known or suspected child abuse involving impregnation of a child under 16 years of age by a person 21 years of age or older solely under s. 827.04(3), the report shall be made immediately to the appropriate county sheriff's office or other appropriate law enforcement agency. If the report is of an instance of known or suspected child abuse solely under s. 827.04(3), the reporting provisions of this subsection do not apply to health care professionals or other persons who provide

medical or counseling services to pregnant children when such reporting would interfere with the provision of medical services.

~~(b) The department must consider valid and accept for investigation any report received by the central abuse hotline from a judge, teacher or other professional school official, or physician, as specified in paragraph (1)(a), paragraph (1)(d), or paragraph (1)(g), who is acting in his or her professional capacity, alleging harm as defined in s. 39.01.~~

~~(c) Reporters in occupation categories designated in subsection (1) are required to provide their names to the hotline staff. The names of reporters shall be entered into the record of the report, but shall be held confidential as provided in s. 39.202.~~

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

~~(f)(e)~~ Reports involving a known or suspected juvenile sexual offender shall be made and received by the department.

1. The department shall determine the age of the alleged juvenile sexual offender if known.

2. When the alleged juvenile sexual offender is 12 years of age or younger, the central abuse hotline shall immediately electronically transfer the call to the appropriate law enforcement agency office. The department shall conduct an assessment and assist the family in receiving appropriate services pursuant to s. 39.307 ~~proceed with an investigation of the report pursuant to this part, immediately electronically transfer the call to the appropriate law enforcement agency office by the central abuse hotline, and send a written report of the allegation to the appropriate county sheriff's office within 48 hours after the initial report is made to the central abuse hotline.~~

3. When the alleged juvenile sexual offender is 13 years of age or older, the department shall immediately electronically transfer the call to the appropriate county sheriff's office by the central abuse hotline, and send a written report to the appropriate county sheriff's office within 48 hours after the initial report to the central abuse hotline.

~~(g)(f)~~ Reports involving abandoned newborn infants as described in s. 383.50 shall be made and received by the department.

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

infant has been left at a hospital, emergency medical services station, or fire station pursuant to s. 383.50.

2. If the caller reports indications of abuse or neglect beyond that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the report shall be considered as a report of abuse, neglect, or abandonment and shall be subject to the requirements of s. 39.395 and all other relevant provisions of this chapter, notwithstanding any provisions of chapter 383.

(h)(g) Hotline counselors shall receive periodic training in encouraging reporters to provide their names when reporting abuse, abandonment, or neglect. Callers shall be advised of the confidentiality provisions of s. 39.202. The department shall secure and install electronic equipment that automatically provides to the hotline the number from which the call is placed. This number shall be entered into the report of abuse, abandonment, or neglect and become a part of the record of the report, but shall enjoy the same confidentiality as provided to the identity of the caller pursuant to s. 39.202.

(i)(h) The department shall voice-record all incoming or outgoing calls that are received or placed by the central abuse hotline which relate to suspected or known child abuse, neglect, or abandonment. The recording shall become a part of the record of the report but, notwithstanding s. 39.202, shall be released in full only to law enforcement agencies and state attorneys for the purpose of investigating and prosecuting criminal charges pursuant to s. 39.205, or to employees of the department for the purpose of investigating and seeking administrative penalties pursuant to s. 39.206. Nothing in this paragraph shall prohibit the use of the recordings by hotline staff for quality assurance and training.

~~(7)(a) This section does not require a professional who is hired by or enters into a contract with the department for the purpose of treating or counseling any person, as a result of a report of child abuse, abandonment, or neglect, to again report to the central abuse hotline the abuse, abandonment, or neglect that was the subject of the referral for treatment.~~

~~(b) This section does not require an officer or employee of the judicial branch to again provide notice of reasonable cause to suspect child abuse, abandonment, or neglect when that child is currently being investigated by the department, there is an existing dependency case, or the matter has previously been reported to the department, provided there is reasonable cause to believe the information is already known to the department. This paragraph applies only when the information has been provided to the officer or employee in the course of official duties.~~

~~(8) Nothing in this chapter or in the contracting with community-based care providers for foster care and related services as specified in s. 409.1671 shall be construed to remove or reduce the duty and responsibility of any person, including any employee of the community-based care provider, to report a suspected or actual case of child abuse, abandonment, or neglect or the sexual abuse of a child to the department's central abuse hotline.~~

Section 2. Subsection (9) of section 39.301, Florida Statutes, is amended, present subsections (10) through (19) are redesignated as subsections (12) through (21), respectively, and new subsections (10) and (11) are added to that section, to read:

39.301 Initiation of protective investigations.—

(9)(a) For each report received that meets one or more of the following criteria it receives, the department or the sheriff providing child protective investigative services under s. 39.3065, shall perform an onsite child protective investigation:

1. A report for which there is obvious compelling evidence that no maltreatment occurred and there are no prior reports containing some indicators or verified findings of abuse or neglect with respect to any subject of the report or other individuals in the home. A prior report in which an adult in the home was a victim of abuse or neglect before becoming an adult does not exclude a report otherwise meeting the criteria of this subparagraph from the onsite child protective investigation provided for in this subparagraph. The process for an onsite child protective investigation stipulated in this subsection may not be conducted if an allegation meeting the criteria of this subparagraph involves physical abuse, sexual abuse, domestic violence, substance abuse or substance exposure, medical neglect, a child younger than 3 years of age, or a child who is disabled or lacks communication skills.

2. A report concerning an incident of abuse which is alleged to have occurred 2 or more years prior to the date of the report and there are no other indicators of risk to any child in the home.

(b) The onsite child protective investigation to be performed shall include that includes a face-to-face interview with the child,; other siblings,; parents, legal custodians, or caregivers; and other adults in the household and an onsite assessment of the child's residence in order to:

1.(a) Determine the composition of the family or household, including the name, address, date of birth, social security number, sex, and race of each child named in the report; any siblings or other children in the same household or in the care of the same adults; the parents, legal custodians, or caregivers; and any other adults in the same household.

2.(b) Determine whether there is indication that any child in the family or household has been abused, abandoned, or neglected; 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, abandonment, or neglect, including the name, address, date of birth, social security number, sex, and race of each such person.

3.(c) Determine the immediate and long-term risk to each child by conducting state and federal records checks, including, when feasible, the records of the Department of Corrections, on the parents, legal custodians, or caregivers, and any other persons in the same household. This information shall be used solely for purposes supporting the detection, apprehension, prosecution, pretrial release, posttrial release, or rehabilitation of criminal

offenders or persons accused of the crimes of child abuse, abandonment, or neglect and shall not be further disseminated or used for any other purpose. The department's child protection investigators are hereby designated a criminal justice agency for the purpose of accessing criminal justice information to be used for enforcing this state's laws concerning the crimes of child abuse, abandonment, and neglect.

4.(d) Determine the immediate and long-term risk to each child through utilization of standardized risk assessment instruments.

5.(e) Based on the information obtained from available sources, complete the risk assessment instrument within 48 hours after the initial contact and, if needed, develop a case plan.

6.(f) Determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the child's safety and well-being and development, and cause the delivery of those services through the early intervention of the department or its agent. The training provided to staff members who conduct child protective investigations must include instruction on how and when to use the injunction process under s. 39.504 or s. 741.30 to remove a perpetrator of domestic violence from the home as an intervention to protect the child.

(c) The determination that a report requires an investigation as provided in this subsection and does not require an enhanced onsite child protective investigation pursuant to subsection (10) must be approved in writing by the supervisor with documentation specifying why additional investigative activities are not necessary.

(d) A report that meets the criteria specified in this subsection is not precluded from further investigative activities. At any time it is determined that additional investigative activities are necessary for the safety of the child, such activities shall be conducted.

(10)(a) For each report that meets one or more of the following criteria, the department shall perform an enhanced onsite child protective investigation:

1. Any allegation that involves physical abuse, sexual abuse, domestic violence, substance abuse or substance exposure, medical neglect, a child younger than 3 years of age, or a child who is disabled or lacks communication skills.

2. Any report that involves an individual who has been the subject of a prior report containing some indicators or verified findings of abuse, neglect, or abandonment.

3. Any report that does not contain compelling evidence that the maltreatment did not occur.

4. Any report that does not meet the criteria for an onsite child protective investigation as set forth in subsection (9).

(b) The enhanced onsite child protective investigation shall include, but is not limited to:

1. A face-to-face interview with the child, other siblings, parents or legal custodians or caregivers, and other adults in the household;
2. Collateral contacts;
3. Contact with the reporter as required by rule;
4. An onsite assessment of the child's residence in accordance with subsection (9)(b); and
5. An updated assessment.

Detailed documentation is required for the investigative activities.

(11) The department shall incorporate into its quality assurance program the monitoring of the determination of reports that receive an onsite child protective investigation and those that receive an enhanced onsite child protective investigation.

Section 3. Subsection (1) of section 39.302, Florida Statutes, is amended to read:

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

(1) The department shall conduct a child protective investigation of each report of institutional child abuse, abandonment, or neglect. Upon receipt of a report that ~~which~~ alleges that an employee or agent of the department, or any other entity or person covered by s. 39.01(31) or (47), acting in an official capacity, has committed an act of child abuse, abandonment, or neglect, the department shall ~~immediately~~ initiate a child protective investigation within the timeframe established by the central abuse hotline pursuant to s. 39.201(5) and orally notify the appropriate state attorney, law enforcement agency, and licensing agency. These agencies shall immediately conduct a joint investigation, unless independent investigations are more feasible. When conducting investigations onsite or having face-to-face interviews with the child, such investigation visits shall be unannounced unless it is determined by the department or its agent that such unannounced visits would threaten the safety of the child. When a facility is exempt from licensing, the department shall inform the owner or operator of the facility of the report. Each agency conducting a joint investigation shall be entitled to full access to the information gathered by the department in the course of the investigation. A protective investigation must include an onsite visit of the child's place of residence. In all cases, the department shall make a full written report to the state attorney within 3 working days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days

after the completion of the investigation, the state attorney shall report the findings to the department and shall include in such report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

Section 4. Subsection (1) of section 39.307, Florida Statutes, is amended to read:

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

(1) Upon receiving a report alleging juvenile sexual abuse as defined in s. 39.01(7) ~~s. 39.01(7)(b)~~, the department shall assist the family in receiving appropriate services to address the allegations of the report.

Section 5. Section 39.823, Florida Statutes, is amended to read:

39.823 Guardian advocates for drug dependent newborns.—The Legislature finds that increasing numbers of drug dependent children are born in this state. Because of the parents' continued dependence upon drugs, the parents may temporarily leave their child with a relative or other adult or may have agreed to voluntary family services under s. 39.301(14) ~~s. 39.301(12)~~. The relative or other adult may be left with a child who is likely to require medical treatment but for whom they are unable to obtain medical treatment. The purpose of this section is to provide an expeditious method for such relatives or other responsible adults to obtain a court order which allows them to provide consent for medical treatment and otherwise advocate for the needs of the child and to provide court review of such authorization.

Section 6. Subsection (2) of section 414.065, Florida Statutes, is amended to read:

414.065 Noncompliance with work requirements.—

(2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR CHILDREN; PROTECTIVE PAYEES.—

(a) Upon the second or third occurrence of noncompliance, temporary cash assistance and food stamps for the child or children in a family who are under age 16 may be continued. Any such payments must be made through a protective payee or, in the case of food stamps, through an authorized representative. Under no circumstances shall temporary cash assistance or food stamps be paid to an individual who has failed to comply with program requirements.

(b) Protective payees shall be designated by the department and may include:

1. A relative or other individual who is interested in or concerned with the welfare of the child or children and agrees in writing to utilize the assistance in the best interest of the child or children.

2. A member of the community affiliated with a religious, community, neighborhood, or charitable organization who agrees in writing to utilize the assistance in the best interest of the child or children.

3. A volunteer or member of an organization who agrees in writing to fulfill the role of protective payee and to utilize the assistance in the best interest of the child or children.

(c) The protective payee designated by the department shall be the authorized representative for purposes of receiving food stamps on behalf of a child or children under age 16. The authorized representative must agree in writing to use the food stamps in the best interest of the child or children.

(d) If it is in the best interest of the child or children, as determined by the department, for the staff member of a private agency, a public agency, the department, or any other appropriate organization to serve as a protective payee or authorized representative, such designation may be made, except that a protective payee or authorized representative must not be any individual involved in determining eligibility for temporary cash assistance or food stamps for the family, staff handling any fiscal processes related to issuance of temporary cash assistance or food stamps, or landlords, grocers, or vendors of goods, services, or items dealing directly with the participant.

(e) The department may pay incidental expenses or travel expenses for costs directly related to performance of the duties of a protective payee as necessary to implement the provisions of this subsection.

~~(f) If the department is unable to designate a qualified protective payee or authorized representative, a referral shall be made under the provisions of chapter 39 for protective intervention.~~

Section 7. (1) The Department of Children and Family Services shall establish a Protective Investigator Retention Workgroup to examine the following issues and develop plans for necessary actions as set forth for each issue:

(a) Examine the feasibility of an alternative response system for responding to low-risk abuse and neglect reports, design and describe in detail the alternative response system that would best serve this state, and, if determined viable, develop a plan for implementing the system;

(b) Examine and develop a plan for an investigative process that provides for different levels of investigative activities based on the level of severity of risk and probability of continued or increased abuse and neglect;

(c) Examine and make recommendations regarding how institutional child abuse in facilities of the Department of Juvenile Justice should be handled, including the protection against abuse which should be afforded children in those facilities, the entity or entities that should be responsible for conducting the investigations, the penalties or sanctions that should be imposed, a means of providing for the independence of investigations, and how the recommendations will ensure the protection of children;

(d) Examine the results of the Florida State University protective investigators' task analysis study to determine how to make the child protective investigation process more efficient, including, but not limited to, identifying the tasks that are necessary for an effective protective investigation

process, streamlining of forms, and identifying the tasks that should be performed by other positions;

(e) Examine and develop a plan for building communication and involvement in decisionmaking with front line staff and for promoting nonmonetary recognition;

(f) Examine and make recommendations regarding the minimum appropriate education and work experience desirable for protective investigators and protective investigator supervisors; and

(g) Examine and develop a plan for the training needed to adequately prepare protective investigators for the job, including, but not limited to, identifying the training that is applicable statewide and that is specific to each district, identifying instruction that is appropriate for classroom training and that would be more effective through some form of structured field or on-the-job training, strengthening the structured field or on-the-job training, estimating the cost of strengthening the structured field or on-the-job training, and setting forth a 3-year implementation plan for phasing in any identified expansion to the training program.

(2) The department shall include as members of the workgroup protective investigators, protective investigative supervisors, representatives from at least two of the sheriffs' offices conducting this function on the effective date of this act, and at least two individuals outside the department who have expertise in other states' child protection systems.

(3) Advisory groups may be used to conduct the examinations and develop the specified plans. The department is encouraged to use individuals and entities having knowledge and experience in the issues from outside the department on these advisory groups such as representatives having experience in domestic violence programs and services. The following representation shall be included on either the advisory group or workgroup examining the issue:

(a) Representatives from the Department of Juvenile Justice, the Florida Juvenile Justice Association, and the Statewide Advocacy Council for the examination of institutional child abuse in Department of Juvenile Justice facilities;

(b) Representatives from the child welfare training academies for examination of the training needed to adequately prepare protective investigators;

(c) Representatives having experience from Florida's Family Services Response System and from the Neighborhood Partnerships for the Protection of Children for the examination of the feasibility of an alternative response system; and

(d) Representatives from the Behavior Analysis Services Program for examination of the development of an investigative process that provides different levels of investigative activities.

(e) Representatives from each of the sheriffs' offices conducting child protective investigations on the effective date of this act for the examination

of the feasibility of an alternative response system and the examination of the development of an investigative process that provides different levels of investigative activities.

(4) The Protective Investigators' Retention Workgroup shall ensure that each of the examinations is conducted with the necessary sharing of information and results to prevent the development of plans that are incompatible with each other or inconsistent with the statutory framework provided and desired for child protection.

(5) A report of the results of each of the examinations and plans developed shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor by December 31, 2003.

Section 8. The Legislature finds that there is evidence suggesting a link between the availability of certain services to families in the child protective system and the workload and turnover of protective investigators. Families being investigated for child abuse may be remaining in the investigation process longer or returning through the child protective system due to certain services not being available for the families, increasing the number of families requiring subsequent investigations. Therefore, the Office of Program Policy Analysis and Government Accountability is directed to conduct a study of the impact that the availability of services to families has on the protective investigators' workload and turnover and on the subsequent reports of abuse in the families and to identify those specific services that would address the immediate needs of families involved in a child protective investigation process and those services that would be most likely to prevent the families' return into the child protection system. A report of the results of the study shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor by December 31, 2003.

Section 9. (1) The Department of Children and Family Services shall submit a report to the Senate Committee on Children and Families and House Committee on the Future of Florida's Families on the status of the implementation of the new investigation process, the identification of emerging benefits or problems, and, if determined necessary, any recommendations for modifications by December 31, 2003.

(b) A quality assurance review of the reports receiving an onsite child protective investigation pursuant to section 39.301(9), Florida Statutes, shall be conducted to examine the accuracy of the determinations not to use the enhanced process, the recurrence of abuse to determine whether there is an unacceptable risk to the families in not using the enhanced process, and whether the intended efficacy in the workload management is achieved by this new process. The Department of Children and Family Services shall conduct this quality assurance review for the department's protective investigative units. For the sheriffs' offices conducting child protective investigations, this quality assurance review shall be incorporated into the program performance evaluation conducted pursuant to section 39.3065(3)(d), Florida Statutes. A report on the results of the quality assurance review shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2004.

Section 10. Notwithstanding chapter 216, Florida Statutes, to the contrary and for the 2003-2004 fiscal year only, the Department of Children and Family Services may not amend the approved operating budget in a manner that decreases the funding and positions appropriated for additional protective investigator positions and the costs related to those positions without the approval of the Legislative Budget Commission.

Section 11. The Department of Children and Family Services, in collaboration with the sheriffs' offices, shall develop guidelines for conducting an onsite child protective investigation that specifically does not require the additional activities required by the department and for conducting an enhanced child protective investigation, including determining whether compelling evidence exists that no maltreatment occurred, conducting collateral contacts, contacting the reporter, updating the risk assessment, and providing for differential levels of documentation between an onsite and an enhanced onsite child protective investigation.

Section 12. This act shall take effect upon becoming a law.

Approved by the Governor June 10, 2003.

Filed in Office Secretary of State June 10, 2003.