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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2015	.	
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The Committee on Health Policy (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 203 - 206
and insert:
Section 2. Paragraph (c) is added to subsection (2) of section 458.3175, Florida Statutes, to read:
458.3175 Expert witness certificate.—
(2) An expert witness certificate authorizes the physician to whom the certificate is issued to do only the following:
(c) Provide expert testimony in a criminal child abuse case

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in this state.

Section 3. For the purpose of incorporating the amendment made by this act to section 39.303, Florida Statutes, in a reference thereto, section 39.3031, Florida Statutes, is reenacted to read:

39.3031 Rules for implementation of s. 39.303.—The Department of Health, in consultation with the Department of Children and Families, shall adopt rules governing the child protection teams pursuant to s. 39.303, including definitions, organization, roles and responsibilities, eligibility, services and their availability, qualifications of staff, and a waiver-request process.

Section 4. For the purpose of incorporating the amendment made by this act to section 39.303, Florida Statutes, in a reference thereto, subsection (2) of section 391.026, Florida Statutes, is reenacted to read:

391.026 Powers and duties of the department.—The department shall have the following powers, duties, and responsibilities:

(2) To provide services to abused and neglected children through child protection teams pursuant to s. 39.303.

Section 5. For the purpose of incorporating the amendment made by this act to section 458.3175, Florida Statutes, in a reference thereto, subsection (12) of section 766.102, Florida Statutes, is reenacted to read:

766.102 Medical negligence; standards of recovery; expert witness.—

(12) If a physician licensed under chapter 458 or chapter 459 or a dentist licensed under chapter 466 is the party against whom, or on whose behalf, expert testimony about the prevailing

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professional standard of care is offered, the expert witness must be licensed under chapter 458, chapter 459, or chapter 466 or possess a valid expert witness certificate issued under s. 458.3175, s. 459.0066, or s. 466.005.

Section 6. For the purpose of incorporating the amendment made by this act to section 458.3175, Florida Statutes, in a reference thereto, paragraphs (a) and (b) of subsection (3) of section 827.03, Florida Statutes, are reenacted to read:

827.03 Abuse, aggravated abuse, and neglect of a child; penalties.—

(3) EXPERT TESTIMONY.—

(a) Except as provided in paragraph (b), a physician may not provide expert testimony in a criminal child abuse case unless the physician is a physician licensed under chapter 458 or chapter 459 or has obtained certification as an expert witness pursuant to s. 458.3175.

(b) A physician may not provide expert testimony in a criminal child abuse case regarding mental injury unless the physician is a physician licensed under chapter 458 or chapter 459 who has completed an accredited residency in psychiatry or has obtained certification as an expert witness pursuant to s. 458.3175.

Section 7. For the purpose of incorporating the amendment made by this act to section 458.3175, Florida Statutes, in a reference thereto, paragraph (a) of subsection (3) of section 960.03, Florida Statutes, is reenacted to read:

960.03 Definitions; ss. 960.01-960.28.—As used in ss. 960.01-960.28, unless the context otherwise requires, the term:

(3) “Crime” means:

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(a) A felony or misdemeanor offense committed by an adult or a juvenile which results in physical injury or death, or a felony or misdemeanor offense of child abuse committed by an adult or a juvenile which results in a mental injury, as defined in s. 827.03, to a person younger than 18 years of age who was not physically injured by the criminal act. The mental injury to the minor must be verified by a psychologist licensed under chapter 490, by a physician licensed in this state under chapter 458 or chapter 459 who has completed an accredited residency in psychiatry, or by a physician who has obtained certification as an expert witness pursuant to s. 458.3175. The term also includes a criminal act that is committed within this state but that falls exclusively within federal jurisdiction.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete lines 2 - 8

and insert:

An act relating to child protection; amending s. 39.303, F.S.; requiring the Statewide Medical Director for Child Protection and the district medical directors to hold certain qualifications; amending s. 458.3175, F.S.; authorizing a physician with an expert witness certificate to provide expert testimony in a criminal child abuse case; reenacting ss. 39.3031 and 391.026(2), F.S., relating to rules of implementation of s. 39.303, F.S., and powers and duties of the Department of Health, respectively, to incorporate the amendment made to s. 39.303, F.S., in references thereto; reenacting ss. 776.102(12), 827.03(3)(a) and

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(b), and 960.03(3)(a), F.S., relating to expert witnesses, expert testimony, and the definition of the term "crime," respectively, to incorporate the amendment made to s. 458.3175, F.S., in references thereto; providing an effective date.