

Bill No. CS/HB 3883, 2nd Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Dudley moved the following amendment to amendment		
12	(723774):		
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14	Senate Amendment (with title amendment)		
15	On page 60, between lines 18 and 19,		
16			
17	insert:		
18	Section 16. Section 415.51, Florida Statutes, is		
19	renumbered as section 39.202, Florida Statutes, and amended to		
20	read:		
21	<u>39.202</u> 415.51 Confidentiality of reports and records		
22	in cases of child abuse or neglect.--		
23	(1)(a) In order to protect the rights of the child and		
24	the child's parents or other persons responsible for the		
25	child's welfare , all records <u>held by the department</u> concerning		
26	reports of child abuse or neglect, including reports made to		
27	the central abuse hotline and all records generated as a		
28	result of such reports, shall be confidential and exempt from		
29	the provisions of s. 119.07(1) and shall not be disclosed		
30	except as specifically authorized by <u>this chapter</u> ss.		
31	415.502-415.514 . Such exemption from s. 119.07(1) applies to		

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1 information in the possession of those entities granted access
2 as set forth in this section.

3 (b) Except for information identifying individuals,
4 all records involving the death of a child determined to be a
5 result of abuse, abandonment, or neglect shall be released to
6 the public within 10 days after completion of the
7 investigation.

8 (2) Access to such records, excluding the name of the
9 reporter which shall be released only as provided in
10 subsection(4)(9), shall be granted only to the following
11 persons, officials, and agencies:

12 (a) Employees, authorized or agents, or contract
13 providers of the department, the Department of Health, or
14 county agencies responsible for carrying out child or adult
15 protective investigations, ongoing child or adult protective
16 services, Healthy Start services, or licensure or approval of
17 adoptive homes, foster homes, or child care facilities, or
18 family day care homes or informal child care providers who
19 receive subsidized child care funding, or other homes used to
20 provide for the care and welfare of children. Also, employees
21 or agents of the Department of Juvenile Justice responsible
22 for the provision of services to children, pursuant to ~~parts~~
23 ~~II and IV of~~ chapter 985 39.

24 (b) Criminal justice agencies of appropriate
25 jurisdiction.

26 (c) The state attorney of the judicial circuit in
27 which the child resides or in which the alleged abuse or
28 neglect occurred.

29 (d) The parent, caregiver, or legal custodian of any
30 child who is alleged to have been abused, abandoned, or
31 neglected, and the child, and their attorneys or abandoned.

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1 This access shall be made available no later than 30 days
 2 after the department receives the initial report of abuse,
 3 neglect, or abandonment. However, any information otherwise
 4 made confidential or exempt by law shall not be released
 5 pursuant to this paragraph.

6 (e) Any person alleged in the report as having caused
 7 the abuse, abandonment, or neglect, ~~or abandonment~~ of a child.
 8 This access shall be made available no later than 30 days
 9 after the department receives the initial report of abuse,
 10 abandonment, or neglect, ~~or abandonment~~. However, any
 11 information otherwise made confidential or exempt by law shall
 12 not be released pursuant to this paragraph.

13 (f) A court upon its finding that access to such
 14 records may be necessary for the determination of an issue
 15 before the court; however, such access shall be limited to
 16 inspection in camera, unless the court determines that public
 17 disclosure of the information contained therein is necessary
 18 for the resolution of an issue then pending before it.

19 (g) A grand jury, by subpoena, upon its determination
 20 that access to such records is necessary in the conduct of its
 21 official business.

22 (h) Any appropriate official of the department
 23 responsible for:

24 1. Administration or supervision of the department's
 25 program for the prevention, investigation, or treatment of
 26 child abuse, abandonment, ~~or neglect,~~ or abuse, neglect, or
 27 exploitation of a disabled adult or elderly person, when
 28 carrying out his or her official function; ~~or~~

29 2. Taking appropriate administrative action concerning
 30 an employee of the department alleged to have perpetrated
 31 ~~institutional~~ child abuse or neglect, or abuse, neglect, or

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1 exploitation of a disabled adult or elderly person; or-
 2 3. Employing and continuing employment of personnel of
 3 the department.

4 (i) Any person engaged in bona fide research or audit
 5 purposes. However, no information identifying the subjects of
 6 the report shall be made available to the researcher.

7 (j) The Division of Administrative Hearings for
 8 purposes of any administrative challenge.

9 (k) Any appropriate official of the human rights
 10 advocacy committee investigating a report of known or
 11 suspected child abuse, abandonment, or neglect, the Auditor
 12 General for the purpose of conducting preliminary or
 13 compliance reviews pursuant to s. 11.45, or the guardian ad
 14 litem for the child ~~as defined in s. 415.503.~~

15 (l) Employees or agents of an agency of another state
 16 that has comparable jurisdiction to the jurisdiction described
 17 in paragraph (a).

18 (m) The Public Employees Relations Commission for the
 19 sole purpose of obtaining evidence for appeals filed pursuant
 20 to s. 447.207. Records may be released only after deletion of
 21 all information which specifically identifies persons other
 22 than the employee.

23 (n) Employees or agents of the Department of Revenue
 24 responsible for child support enforcement activities.

25 (3) The department may release to professional persons
 26 such information as is necessary for the diagnosis and
 27 treatment of the child or the person perpetrating the abuse,
 28 abandonment, or neglect.

29 (4) The name of any person reporting child abuse,
 30 abandonment, or neglect may not be released to any person
 31 other than employees of the department responsible for child

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1 protective services, ~~or~~ the central abuse hotline, law
2 enforcement, or the appropriate state attorney ~~or law~~
3 ~~enforcement agency~~, without the written consent of the person
4 reporting. This does not prohibit the subpoenaing of a person
5 reporting child abuse, abandonment, or neglect when deemed
6 necessary by the court, the state attorney, or the department,
7 provided the fact that such person made the report is not
8 disclosed. Any person who reports a case of child abuse or
9 neglect may, at the time he or she makes the report, request
10 that the department notify him or her that a child protective
11 investigation occurred as a result of the report. The
12 department shall mail such a notice to the reporter within 10
13 days after completing the child protective investigation.

14 (5) All records and reports of the child protection
15 team are confidential and exempt from the provisions of ss.
16 119.07(1) and 455.667 ~~455.241~~, and shall not be disclosed,
17 except, upon request, to the state attorney, law enforcement,
18 the department, and necessary professionals, in furtherance of
19 the treatment or additional evaluative needs of the child or
20 by order of the court.

21 (6) The department shall make and keep reports and
22 records of all cases under this chapter relating to child
23 abuse, abandonment, and neglect and shall preserve the records
24 pertaining to a child and family until 7 years after the last
25 entry was made or until the child is 18 years of age,
26 whichever date is first reached, and may then destroy the
27 records. Department records required by this chapter relating
28 to child abuse, abandonment, and neglect may be inspected only
29 upon order of the court or as provided for in this section.

30 (7)~~(6)~~ A person who knowingly or willfully makes
31 public or discloses to any unauthorized person any

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1 confidential information contained in the central abuse
2 hotline is subject to the penalty provisions of s. 39.205
3 ~~415.513~~. This notice shall be prominently displayed on the
4 first sheet of any documents released pursuant to this
5 section.

6 Section 17. It is a public necessity that reports and
7 records of cases of child abandonment held by the Department
8 of Children and Family Services be confidential and exempt
9 from public records requirements due to the sensitive and
10 personal nature of these records and the detrimental effect
11 that release of such personal information could have on the
12 families and children involved. Further, the disclosure of
13 such information could interfere with the department's ability
14 to carry out its duties with respect to the protection of
15 families and children.

16
17 (Redesignate subsequent sections.)

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19

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

21 And the title is amended as follows:

22 On page 347, line 16, after the semicolon

23

24 insert:

25 amending and renumbering s. 415.51, F.S.;

26 revising provisions relating to confidentiality

27 of Department of Children and Family Services

28 reports and records of cases of child abuse and

29 neglect; providing an exemption from public

30 records requirements for department reports and

31 records of cases of child abandonment;

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1 requiring certain recordkeeping and
2 preservation by the department;
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