HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 407 Administrative Hearings
SPONSOR(S): Glorioso and others
TIED BILLS: None. **IDEN./SIM. BILLS:** CS/SB 758

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Future of Florida's Families Committee		Preston	Collins
2) Health Care Appropriations Committee			
3) Health & Families Council			
4)			
5)			

SUMMARY ANALYSIS

The bill authorizes subjects of a verified or indicated report of child abuse to request an administrative hearing under chapter 120, Florida Statutes, if a state attorney determines that prosecution of the criminal child abuse case based on the report is not justified. It requires both oral and written notice to the subject of the report of the right to a hearing and provides time frames for requesting the hearing. The bill prohibits the Department of Children and Family Services (the department or DCF) from entering the name of the subject of the report into the DCF statewide database or central abuse registry until after the time for requesting a hearing has passed or until after all appeals are unsuccessfully exhausted, whichever occurs later.

According to the Department of Children and Family Services, there is an estimated cost of $9,573,034 for FY 2005-2006 and $16,469,971 for FY 2006-2007 to state government to implement the provisions of the bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government –

The bill authorizes the subject of verified or indicated reports of child abuse to request an administrative hearing under certain circumstances, which may increase the workload of the Division of Administrative Hearings (DOAH). It would also increase the workload of the department.

B. EFFECT OF PROPOSED CHANGES:

History of the Hotline

Since 1963, Florida has had a requirement that child abuse be reported.[1] It was at that time that physicians were statutorily required to make written reports of suspected child abuse to county judges and the failure to report constituted grounds for criminal prosecution. At that time, there was no single agency to receive and investigate those reports.

In 1971, the Legislature created a statewide Child Protective Services program within the Department of Health and Rehabilitative Services (HRS) and required the agency to develop a central registry.[2] As a result, a statewide telephone "hotline" and registry for the reporting of suspected incidents of child abuse and neglect was established in Florida, years ahead of the federal requirement. The list of required reporters was expanded to include nurses, teachers, social workers, and employees of public or private facilities serving children. The original purpose of the registry was primarily to receive reports for investigation and to maintain information to track child victims of abuse or neglect. In 1975, the requirement to report became essentially the same as current statute, requiring "any person" with reason to believe that a child had been abused to report.[3] By 1977, the registry had developed a "clearinghouse" function, which enabled HRS personnel quick access to information contained in the registry in order to provide appropriate intervention and child protective services.

In 1985, the Legislature fundamentally changed the character of the registry by enacting a requirement that child care employees and certain other employees be screened for "good moral character." Information contained in the abuse registry, along with criminal records, was to be used in this screening. Persons identified as having committed acts of child abuse were to be disqualified from employment for lengthy periods of time. This linking of the registry information to employment screening necessitated the development of increasingly complex due process protections for persons whose names were placed on the registry. While it was generally accepted that a reporting system most likely to protect children was one that provided quick, accurate, and complete information, the increasing number of procedural protections in Florida's system that occurred as a result of making employment screening a function of the registry, served to undermine the effectiveness of the child protection component.[4]

During the 1995 legislative session, responding in part to an interim project of the House Committee on Aging and Human Services, the Legislature removed the linkage between the registry and employment screening, with limited exceptions.[5] These exceptions, found in ss. 39.201(6) and 39.202, Florida

[1] Chapter 63-24, Laws of Florida, codified as section 828.041, Florida Statutes (1963).
[2] Chapter 71-136, Laws of Florida, codified as section 828.041(7), Florida Statutes (1971).
[3] Chapter 75-185, Laws of Florida, codified as section 828.041(4), Florida Statutes (1975).
[4] *The Use of Confirmed Reports of Child Abuse in Employment Screening in Florida*, Interim Project, House Committee on Aging and Human Services. November 1, 1994.
[5] Chapter 95-228, Laws of Florida.

Statutes, are primarily related to the department's use of information in its files for its own employment or licensing responsibilities. The exceptions are:

- Employees, authorized agents, or contract providers of DCF, the Department of Health, or county agencies responsible for the licensing of child care providers and foster homes are authorized to use the information in the hotline for the purposes of determining whether such licenses should be issued, renewed, or revoked;
- Appropriate officials of DCF are authorized to use the hotline information in making decisions regarding employing, continuing the employment of, or taking appropriate administrative action against employees of DCF; and
- Employees or agents of the Department of Juvenile Justice (DJJ) responsible for the provision of services to children.

In addition, the required home-study of an intended adoptive home is to include a check of central abuse hotline records.[6] This provision, which pre-dates the legislative changes made to the hotline statute in 1995, does not describe how the information is to be used. In fact, authorization to release the information to private adoption agencies is lacking, so that it is not clear whether DCF can release the information directly to private adoption agencies.

During the time when the hotline was used broadly for employment screening, reports were either classified as "unfounded" or "proposed confirmed", or could be closed without classification. All identifying information related to unfounded reports had to be expunged 30 days after the classification was made.[7] Reports closed without classification were indexed only by the name of the child, siblings or other minor household members. These reports were maintained for 7 years.[8] When a report was classified as proposed confirmed, the alleged perpetrator was provided with a notice of the classification and provided an opportunity to request an amendment or expunction of the report. The request was made to HRS and, if HRS officials did not respond within 30 days or refused the requested action, the individual could request an administrative hearing pursuant to chapter 120, Florida Statutes, where a DOAH hearing officer would determine if the classification was proper. An adverse decision could be appealed to the appropriate District Court of Appeal, but if the alleged perpetrator did not prevail, the report was classified as confirmed and retained for 50 years in the registry. It was those confirmed reports that were checked during the employment screening process.

One of the provisions of chapter 95-228, Laws of Florida, was the elimination of the statutory definitions related to the classification of child abuse reports. Subsequently, in response to requirements of the federal Child Abuse Prevention and Treatment Act (CAPTA),[9] the department established the designation of allegations as being verified, having some indicators, or having no indicators, as described above.

Currently, individuals whose child care or foster care license is denied, suspended, or revoked as a result of the screening of the information in the central abuse hotline are afforded the right to appeal the decision through the administrative hearing process. The department reports that while language does not exist that describes this right for registered family day care homes as provided for in s. 402.313, Florida Statutes, these programs are afforded the same due process as are other child care providers. No provisions for administrative review have been made for applicants for adoption who are refused on

[6] See section 63.092(3), Florida Statutes.
[7] See section 415.504(4)(e), Florida Statutes (1993).
[8] See section 415.504(4)(f), Florida Statutes (1993).
[9] CAPTA provides that states must have provisions requiring, and procedures in place that facilitate the prompt expungement of any records that are accessible to the general public or are used for purposes of employment or other background checks in cases determined to be unsubstantiated or false, except that nothing shall prevent state child protective services agencies from keeping information on unsubstantiated reports in their casework files to assist in future risk and safety assessment. See 42 USC, 5106A.

the basis of the results of abuse screening,[10] nor for prospective employees of DCF who are not employed as a result of the screening.[11]

Since the time the ability to contest the classification of reports was legislatively removed on 1995, concerns have been raised regarding the fairness of information maintained in the department's files. The increasing reliance on electronic management of the files, as well as the growing exceptions to the confidentiality requirements of s. 39.202, Florida Statutes, have contributed to the perception that persons are being harmed by inaccurate information without any opportunity, or the timely opportunity, to correct this information.

Current Operation of the Abuse Hotline and Child Abuse Investigations

The department is statutorily required to establish and maintain a central abuse hotline which receives reports of known or suspected child abuse, neglect, or abandonment seven days a week, 24 hours a day through a single statewide toll-free telephone number. The operation of the central abuse hotline must enable DCF to immediately identify and locate prior reports or cases of child abuse, neglect, or abandonment; track critical steps in the investigative process; and maintain and produce statistical reports that monitor the patterns of child abuse, neglect, and abandonment, as well as evaluate the effectiveness of the child protection program.[12]

The hotline is the point of entry into the child welfare automated data system. This system, known in Florida as HomeSafenet(HSn), and nationally as SACWIS (Statewide Automated Child Welfare Information System), is an initiative of the federal Department of Health and Human Services. The development of SACWIS systems nationally has been significantly supported by federal funding. The federal funds to support SACWIS projects are provided on the condition that once the system becomes operational, it must be certified as satisfying published requirements.[13]

One of the primary requirements for any SACWIS system is that the statewide system must operate uniformly as a single case management system. The United States Department of Health and Human Services, Administration for Children, Youth, and Families (ACF) has identified "intake management" as the first of the critical components of a SACWIS system. "Intake management" is defined as "processing referrals for service, conducting an investigation, and assessing the need for service." Among the functions required to be performed as part of intake management are:

- Record contact/referral - the automated system must record initial contacts regarding allegations of abuse or neglect or provide for the input of a formal referral for protective services, voluntary placement services, juvenile corrections and other services.
- Collect intake/referral information - the automated system must allow for input of available situation and demographic information, including the cross-referencing of relationships among participants and the reason for referral.
- Search for prior history (persons/incidents) - the automated **system must provide for a search to the database(s) to check for prior incidents** and other available information…[14]

If a report is accepted by the hotline, the information gathered by hotline staff during the intake process is made available to the child protective investigator (CPI),[15] who accesses it electronically and uses it

[10] Both state and federal courts have held that there is no "right" to adopt that is protected by federal law, see *Buckner v. Family Services of Central Florida*, 876 So2d 1285 (5th DCA 2004); Lofton *v. Secretary of the Department of Children and Family Services*,358 F3d 804 (11th Cir 2004).

[11] No cases have been found which grant a "right" to employment by a particular employer. It is the position of DCF that it must be allowed to use the information in its own records to screen its own prospective employees. This position is reflected in the specific authority granted to DCF in s. 39.202, Florida Statutes.

[12] See section 39.201, Florida Statutes.

[13] *HomeSafeNet and Quality Delivery Systems Business Benefits Realization Report*, Department of Children and Families, February 1, 2003, p.12.

[14] *Automation of Child Welfare Programs*, U.S. Department of Health and Human Services Administration for Children, Youth, and Families, February 24, 1995

as the basis for initiating a child protective investigation. The information gathered at the hotline and the subsequent information gathered during the investigation form the basis of the Child Safety Assessment, informing any decision which the CPI or subsequent services providers are required to make on behalf of the child. Decisions which are made at the investigative stage of the case include whether to remove the child from the home, whether to seek court intervention, and whether and what kind of services may be needed immediately to protect the child. The CPI units are also responsible for investigating reports of institutional child abuse, which includes abuse by an employee of a private school, public or private day care center, residential home, institution, facility, or agency responsible for the child's care, with certain exclusions.[16]

Upon completion of the investigation, the CPI makes a determination or finding as to each of the allegations of abuse, neglect, or abandonment based on the evidence found.[17] This finding is recorded in HSn. The operating procedure provides three possible findings and the following guidance in determining which applies:

- Verified: The preponderance of credible evidence results in a determination that the specific injury, harm, or threatened harm was the result of abuse or neglect.
- Some Indication: There is credible evidence which does not meet the standard of being a preponderance to support that the specific injury, harm, or threatened harm was the result of abuse or neglect.
- No Indication: There is no credible evidence to support the allegations of abuse, neglect, or threatened harm.

These determinations or findings are made as to **allegations**, not as to **persons**. Only when an allegation is verified, and only when the preponderance of credible evidence identifies an individual as the likely person responsible for the abuse, neglect, or abandonment, is a link established between a particular caregiver and a particular allegation.

In addition to chapter 39, F.S., which provides for civil action to protect the child from child abuse and neglect, Florida law provides that certain abusive acts against children are crimes,[18] which require the notification of law enforcement and the state attorney.[19]

Access to Information in the Child Abuse Record

The information collected by the hotline staff is a part of the child abuse electronic case file. There is no separate aggregation of names or other identifying data regarding persons who may have caused harm to children. Access to information regarding child mistreatment is protected both by state and by federal law.[20] In addition to the general requirements of confidentiality for child welfare cases, DCF has established more stringent requirements for access to HSn. These requirements include:

- Authorization by a supervisor for access to the system;
- Limitation of access to a "needs only" basis;
- A unique personal identifier (which is different from the general password required for access to DCF computer systems);
- Issuance of the identifier by a systems security officer;
- A signed agreement and acknowledgement that the information obtained through this access is limited to business use; and
- Completion of Security Awareness Training.[21]

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[15] Child protective investigations are conducted either by DCF staff or, in five counties, by staff of the sheriffs' offices. Whether the investigations are conducted by DCF staff or by sheriff's office employees, the investigator is termed a Child Protective Investigator (CPI).
[16] See section 39.302, Florida Statutes.
[17] DCF Operating Procedures, No. 175-28, Allegation Matrix.
[18] See Chapters 827 and 794, Florida Statutes.
[19] See sections 39.01, 39.301, 39.302, 827.03, and 827.071, Florida Statutes.
[20] See section 39.202, F.S. and 45 CFR 1340.12 and 45 CRF 1340.15.
[21] DCF Operating Procedure 50-2, *Security of Data and Information Technology Resources*, s. 5.a(1).

As an additional safeguard, HSn contains an audit function which reveals the identity of every person accessing the system. All the safeguards for access to HSn extend to all users of the system.

The DCF Employee Handbook[22] lists among the causes for dismissal of career service employees the misuse of confidential information.[23] According to DCF, misuse of information contained in HSn is not tolerated. As evidence, DCF reports that during 2004, of the 186 employees of the hotline with access to HSn information, 5 were terminated from employment as a result of security violations relating to the unauthorized use of HSn information.

Division of Administrative Hearings Review of Agency Decisions

The Administrative Procedures Act, chapter 120, Florida Statutes, allows persons substantially affected by the decisions of administrative agencies to challenge those decisions. The Division of Administrative Hearings (DOAH), which consists of an independent group of administrative law judges (ALJs), conducts hearings under chapter 120, Florida Statutes, when certain agency decisions, e.g., rules and determinations affecting a party's substantial interests, are challenged by substantially affected persons.

Section 120.569, F.S., provides that a party who wishes to challenge an agency determination of his or her substantial interests must file a petition for a hearing with the agency and an agency request for an ALJ must be made to DOAH within 15 days after receiving the petition. In general, agencies request ALJs for cases in which there is a disputed issue of material fact. Section 120.569, F.S., also specifies notice and pleading requirements and the time parameters within which a final order must be completed.

Section 120.57(1), F.S., applies to hearings in which there is a disputed issue of material fact. In the majority of cases, these hearings are conducted by an ALJ (s. 120.57(1), F.S.). The subsection sets forth evidentiary procedures, specifies the permissible content of the record, and provides that, in the event a dispute of material fact no longer exists, any party may make a motion for the ALJ to relinquish jurisdiction to the agency (s.120.57(1), F.S.). The ALJ must relinquish jurisdiction if he or she finds that no genuine issue as to any material fact exists (s. 120.57(1)(h), F.S.).

Entitlement to a formal evidentiary hearing under s. 120.57, F.S., requires that a person's "substantial interests" be affected by the proposed agency action. To qualify as having a "substantial interest", the person must show that "(1) the proposed action will result in injury-in-fact which is of sufficient immediacy to justify a hearing, and (2) the injury is of the type that the statute pursuant to which the agency has acted is designed to protect."

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The bill addresses the circumstance when a state attorney declines to prosecute a criminal case after the department has determined that a report of child abuse should be classified as indicated or confirmed and has identified the subject of the report as having caused the abuse. The bill provides that the findings by DCF constitute a substantial interest of the subject of the report and authorizes the subject of the report to seek an administrative review of the findings. The bill requires all individuals for whom the finding of the child abuse report is either indicated or verified to be notified of both the determination and their right to an administrative hearing.

The department is prohibited from entering into the statewide database an individual's name who is the subject of a child abuse report with verified or indicated findings until either the time period within which an individual may request a hearing has expired or all appeals to contest the determination have been unsuccessfully exhausted, whichever occurs later.

[22] DCF Operating Procedure 60-1

[23] DCF Operating Procedure 60-1, s. 9, Employee Accountability, paragraph (6)(b).

The provisions of the bill apply both to individual and to institutional investigations of abuse.

C. SECTION DIRECTORY:

Section 1. Amends section 39.301, Florida Statutes, relating to the initiation of protective investigations.

Section 2. Amends section 39.302, Florida Statutes, relating to protective investigations of institutional child abuse, neglect, or abandonment.

Section 3. Provides an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   According to the Department of Children and Family Services, there is an estimated cost of $9,573,034 in FY 2005-2006 and $16,469,971 for FY 2006-2007.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There is no cost to individuals requesting the review of an agency decision under chapter 120, Florida Statutes, except for whatever attorney fees or associated hearing-related costs may be incurred. Individuals who successfully challenge the DCF findings may benefit from additional employment opportunities.

D. FISCAL COMMENTS:

The Division of Administrative Hearings (DOAH) reports that the bill will have no fiscal impact on DOAH. The division reports it can provide Administrative Law Judges to timely hear cases utilizing existing resources. However, state agencies are billed by DOAH based on the number of hours scheduled for the year two years prior (i.e., a two year delay in hours billed). The cost of all administrative hearings is then prorated across all the agencies based on the scheduled hours of each agency. DCF estimates that the additional cost to DCF for the additional hearings which will be required by this bill is $10,679,680.

DCF reports that this bill will have a significant fiscal impact. This impact is based on the costs required for additional attorneys and support staff with the department and for the increased billings from DOAH for the additional hearings. DCF projects that additional costs would be associated with an unknown increase in the number of case workers required to comply with the “due process” activities; the cost of serving subpoenas, taking depositions, transcribing depositions, and transcribing hearings; attorney’s fees and costs; witness fees; and the costs associated with appeals.

An exact determination of the fiscal impact of this bill is difficult, largely due to the inability to accurately predict the number of requests for administrative hearings that will be made. An estimate of the cost, however, can be made based on the following background information supplied by the department:

- In FY 2001-2002, 17.3 percent of the 15,608 initial child abuse reports were verified and 31.1 percent had some indicators of abuse for a total of 73,378 reports with a classification that may give rise to the right to an administrative hearing.
- Two hundred five cases were referred to the DOAH by DCF in FY 2002-2003 which were handled by approximately 20 attorneys. This means that each attorney handled approximately 10.25 administrative cases. It is estimated that this would represent approximately one-third of an existing attorney's workload. An attorney handling solely administrative hearing cases would handle approximately 30 cases a year.
- For each new attorney needed, one half-time support position would be required.
- Non-recurring costs for each professional is $3,061 and $2,603 per support staff.
- Recurring costs per professional is $10,308 and $5,416 per support staff.
- Base earnings for an attorney at DCF is $61,500 with benefits and the average earnings for support staff is $28,246.40 annually with benefits.
- DCF is billed by DOAH based on the number of hearing hours scheduled for the two years prior. The cost of all administrative hearings is then prorated across all the agencies based on the scheduled hours of each agency. The current amount appropriated to transfer from DCF to DOAH is $377,034 for FY 2003-2004 which is based on the 1,306.25 hours scheduled by DCF in FY 2001-2002. The average cost to DCF for DOAH hearing per hour is $288.64. Using the number of cases for FY 2002-2003 (205) and the number of hearing hours for these cases (1512), the average hearing time is 7.4 hours.

Of the 104,487 classifications of initial reports of child abuse for FY 1992-1993, 8,297 were "proposed confirmed" and 3,632 were "confirmed". DOAH rendered decisions in 520 cases in FY 1992-1993, in which the classification of the "proposed confirmed" was contested. The 520 contested cases represented 4.4 percent of the total "proposed confirmed" and "confirmed." Applying this percentage to the figures for cases with "some indicators" and "verified findings" for FY 2001-02 yields an estimated 3,229 cases requesting an administrative hearing. The 3,229 cases divided by 30 administrative cases per attorney yields 108 additional attorneys that are projected to be needed to handle these cases, as well as 54 support staff. The following costs are associated with these 3,229 cases:

- Salaries = $8,167,306 (108 attorneys X $61,500 annual salary + 54 support staff X $28,246.40 annual salary),
- Non-recurring costs for new positions = $471,120 (108 attorneys X $3,061 per professional for non-recurring costs + 54 support staff X $2,603 per non-professional for non-recurring costs),
- Recurring costs for new positions = $1,405,728 (108 attorneys X $10,308 per professional for recurring costs + 54 support staff X $5,416 per non-professional for recurring costs), and,
- Beginning FY 2006-2007, costs for DOAH hearings = $6,896,937 (3,229 hearings X 7.4 average hearing hours X $288.64 average cost per hearing hour).

Total for FY 2005-2006: $9,573,034
Total for FY 2006-2007: $16,469,971

Note: The fiscal estimate supplied by DCF was somewhat higher than that derived above, but it included a broader interpretation of persons who might be eligible for a hearing than these figures support.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenue in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Due Process Issues

Federal courts have ruled that the stigmatization or damage to reputation which may be incurred by the listing of a person in a state registry, without more, is not a cognizable loss of liberty interest which invokes the necessity for due process protections. In a recent case, a minor listed as a child sex offender was held not entitled to due process protection after being named in a statewide registry, despite the fact that the registry was available to potential employers where the employment involved the care or supervision of children or other vulnerable persons. Citing the the U.S. Supreme Court decision in *Paul v. Davis*, 424 U.S. 405, 96 S.Ct. 1155, 47 L.Ed. 405 (1976), the court found that the potential for damage to his reputation or curtailment of his employment opportunities was not sufficient to overcome the Supreme Court's "insistence that reputational damage alone is insufficient to constitute a protected liberty interest," at 1297.

Child Safety Issues

The prohibition from entering a subject's name into DCF's database until the time for requesting a hearing has expired or until after all appeals have been exhausted will result in information needed for the protection of the child not being available for that purpose. The department reports that the time between the request for an administrative hearing and the rendering of a resulting appellate decision routinely exceeds 18 months.

Federal Funding Issues

If the data cannot be entered into the child's electronic case file, but is required for filing a petition for dependency and for other purposes, then the department will have to maintain separate paper files with the information included. Maintaining a separate "hard copy" file would appear to present significant administrative issues, including some concern about violating the SACWIS requirements for a single statewide data system.

Issues Relating to Prosecutorial Screening

Under current law, the state attorney does not receive every child abuse report for review, only the cases where a criminal offense appears to have been committed. Under the provisions of the bill, the only opportunity afforded for an administrative review follows an assessment by the state attorney as to whether to prosecute a case relating to the allegations of harm. Thus, individuals named in cases not referred to the state attorney would not be entitled to an administrative review. Alternatively, the bill could be amended to require the state attorney to review all reports of child abuse.

An additional issue is related to linking the provision of the bill to the review by the state attorney. By requiring the state attorney's assessment of how prosecutable the case is, the bill appears to be applying the burden of proof required for a criminal offense to determine whether administrative hearings may be warranted in a civil case. The burden of proof for prosecution of a criminal offense is much greater than the preponderance of evidence required for a verified finding of child abuse or the

standard applied in most civil trials. The verified finding of abuse could, therefore, correctly meet the standard for DCF but not for a criminal offense.

Issues Relating to the Dependency Court

For those reports of child abuse where there is concern for the safety of the child and the protection of the court is considered necessary, a petition for adjudication of dependency is filed. In the adjudicatory process and the subsequent disposition hearing, the dependency court is making a determination as to whether the facts alleged by the department relative to the child abuse or neglect are proven. The bill does not recognize the judicial process under ch. 39, F.S., whereby the court makes a determination relative to the child abuse. Based on the bill, a subject of the report could appear before an administrative law judge to contest the findings of the child abuse report and at the same time be required to appear in circuit court before a dependency court judge where the same issue will be deliberated, i.e., the justification of DCF's findings of the child abuse report. It is unclear how the administrative hearing's reviews and conclusions will impact the dependency court proceedings and vice versa.

Note:

At the March 23, 2005 meeting of the Future of Florida's Families Committee, the sponsor of the bill will offer a strike everything amendment that does the following:

The amendment prohibits the use of information contained in a report of abuse, neglect, or abandonment in any way which adversely affects the interests of a person when that person has not been identified as a caregiver responsible for the abuse, neglect, or abandonment. The prohibition extends to institutional investigations of abuse, neglect, or abandonment, as well, but the amendment also provides that when the person is a licensee of the department, the information may be considered if relevant in re-licensing or revocation of license decisions when three or more instances have occurred over a five-year period.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES