

CHAMBER ACTION

1 The Health Care Appropriations Committee recommends the
2 following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to child protective investigations;
8 amending s. 39.301, F.S.; prohibiting the use of
9 information contained in reports of child abuse,
10 abandonment, or neglect for purposes that adversely affect
11 the interests of persons who are not identified as
12 responsible for such abuse, abandonment, or neglect;
13 amending s. 39.302, F.S.; prohibiting the use of
14 information contained in reports of child abuse,
15 abandonment, or neglect in institutional investigations
16 for purposes that adversely affect the interests of
17 persons not identified as responsible; providing
18 circumstances under which the Department of Children and
19 Family Services may rely on such information in a decision
20 to renew or revoke a license; amending s. 39.202, F.S.;
21 providing access to confidential reports and records in
22 cases of child abuse or neglect to staff of certain child
23 advocacy centers; providing an effective date.

Page 1 of 3

24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

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

Section 1. Subsection (22) is added to section 39.301, Florida Statutes, to read:

39.301 Initiation of protective investigations.--

(22) When an investigation is closed and a person is not identified as a caregiver responsible for the abuse, neglect, or abandonment alleged in the report, the fact that the person is named in some capacity in the report may not be used in any way to adversely affect the interests of that person. This prohibition applies to any use of the information in employment screening, licensing, child placement, adoption, or any other decision by a private adoption agency or a state agency or its contracted providers.

Section 2. Subsection (7) is added to section 39.302, Florida Statutes, to read:

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

(7) When an investigation of institutional abuse, neglect, or abandonment is closed and a person is not identified as a caregiver responsible for the abuse, neglect, or abandonment alleged in the report, the fact that the person is named in some capacity in the report may not be used in any way to adversely affect the interests of that person. This prohibition applies to any use of the information in employment screening, licensing, child placement, adoption, or any other decision by a private adoption agency or a state agency or its contracted providers.

HB 407 CS

2005
CS

52 If such a person is a licensee of the department and is named in
53 any capacity in three or more reports within a 5-year period,
54 the department may review those reports and determine whether
55 the information contained in the reports is relevant for
56 purposes of determining whether the person's license should be
57 renewed or revoked. If the information is relevant to the
58 decision to renew or revoke the license, the department may rely
59 on the information contained in the report in making that
60 decision.

61 Section 3. Paragraph (q) is added to subsection (2) of
62 section 39.202, Florida Statutes, to read:

63 39.202 Confidentiality of reports and records in cases of
64 child abuse or neglect.--

65 (2) Except as provided in subsection (4), access to such
66 records, excluding the name of the reporter which shall be
67 released only as provided in subsection (5), shall be granted
68 only to the following persons, officials, and agencies:

69 (q) Staff of a child advocacy center that is established
70 and operated under s. 39.3035.

71 Section 4. This act shall take effect upon becoming a law.