

CHAMBER ACTION

1 The Health & Families Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to child protective investigations;
7 amending s. 39.01, F.S.; revising the definition of the
8 term "other person responsible for a child's welfare" to
9 include employees of any school; amending s. 39.301, F.S.;
10 prohibiting the use of information contained in reports of
11 child abuse, abandonment, or neglect for purposes that
12 adversely affect the interests of persons who are not
13 identified as responsible for such abuse, abandonment, or
14 neglect; amending s. 39.302, F.S.; prohibiting the use of
15 information contained in reports of child abuse,
16 abandonment, or neglect in institutional investigations
17 for purposes that adversely affect the interests of
18 persons not identified as responsible; providing
19 circumstances under which the Department of Children and
20 Family Services may rely on such information in a decision
21 to renew or revoke a license; amending s. 39.202, F.S.;
22 providing access to confidential reports and records in

HB 407 CS

2005
CS

23 cases of child abuse or neglect to staff of certain child
24 advocacy centers; providing an effective date.

25

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

27

28 Section 1. Subsection (47) of section 39.01, Florida
29 Statutes, is amended to read:

30 39.01 Definitions.--When used in this chapter, unless the
31 context otherwise requires:

32 (47) "Other person responsible for a child's welfare"
33 includes the child's legal guardian, legal custodian, or foster
34 parent; an employee of any ~~a private~~ school, public or private
35 child day care center, residential home, institution, facility,
36 or agency; or any other person legally responsible for the
37 child's welfare in a residential setting; and also includes an
38 adult sitter or relative entrusted with a child's care. For the
39 purpose of departmental investigative jurisdiction, this
40 definition does not include law enforcement officers, or
41 employees of municipal or county detention facilities or the
42 Department of Corrections, while acting in an official capacity.

43 Section 2. Subsection (22) is added to section 39.301,
44 Florida Statutes, to read:

45 39.301 Initiation of protective investigations.--

46 (22) When an investigation is closed and a person is not
47 identified as a caregiver responsible for the abuse, neglect, or
48 abandonment alleged in the report, the fact that the person is
49 named in some capacity in the report may not be used in any way
50 to adversely affect the interests of that person. This

HB 407 CS

2005
CS

51 prohibition applies to any use of the information in employment
 52 screening, licensing, child placement, adoption, or any other
 53 decision by a private adoption agency or a state agency or its
 54 contracted providers.

55 Section 3. Subsection (7) is added to section 39.302,
 56 Florida Statutes, to read:

57 39.302 Protective investigations of institutional child
 58 abuse, abandonment, or neglect.--

59 (7) When an investigation of institutional abuse, neglect,
 60 or abandonment is closed and a person is not identified as a
 61 caregiver responsible for the abuse, neglect, or abandonment
 62 alleged in the report, the fact that the person is named in some
 63 capacity in the report may not be used in any way to adversely
 64 affect the interests of that person. This prohibition applies to
 65 any use of the information in employment screening, licensing,
 66 child placement, adoption, or any other decision by a private
 67 adoption agency or a state agency or its contracted providers.
 68 If such a person is a licensee of the department and is named in
 69 any capacity in three or more reports within a 5-year period,
 70 the department may review those reports and determine whether
 71 the information contained in the reports is relevant for
 72 purposes of determining whether the person's license should be
 73 renewed or revoked. If the information is relevant to the
 74 decision to renew or revoke the license, the department may rely
 75 on the information contained in the report in making that
 76 decision.

77 Section 4. Paragraph (q) is added to subsection (2) of
 78 section 39.202, Florida Statutes, to read:

HB 407 CS

2005
CS

79 | 39.202 Confidentiality of reports and records in cases of
80 | child abuse or neglect.--

81 | (2) Except as provided in subsection (4), access to such
82 | records, excluding the name of the reporter which shall be
83 | released only as provided in subsection (5), shall be granted
84 | only to the following persons, officials, and agencies:

85 | (q) Staff of a child advocacy center that is established
86 | and operated under s. 39.3035.

87 | Section 5. This act shall take effect upon becoming a law.