

1 A bill to be entitled

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

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

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

26 39.01 Definitions.--When used in this chapter, unless the
27 context otherwise requires:

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

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

41 39.301 Initiation of protective investigations.--

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

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

53 39.302 Protective investigations of institutional child
 54 abuse, abandonment, or neglect.--

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

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

75 39.202 Confidentiality of reports and records in cases of
76 child abuse or neglect.--

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

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

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