Florida Senate - 2005

CS for SB 758

By the Committee on Children and Families; and Senator Wise

586-1661B-05

1	A bill to be entitled
2	An act relating to child protective
3	investigations; amending s. 39.301, F.S.;
4	prohibiting the use of information contained in
5	reports of child abuse, abandonment, or neglect
6	for purposes that adversely affect the
7	interests of persons who are not identified as
8	responsible for such abuse, abandonment, or
9	neglect; amending s. 39.302, F.S.; prohibiting
10	the use of information contained in reports of
11	child abuse, abandonment, or neglect in
12	institutional investigations for purposes that
13	adversely affect the interests of persons not
14	identified as responsible; providing
15	circumstances under which the Department of
16	Children and Family Services may rely on such
17	information in a decision to renew or revoke a
18	license; providing an effective date.
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20	Be It Enacted by the Legislature of the State of Florida:
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22	Section 1. Subsection (22) is added to section 39.301,
23	Florida Statutes, to read:
24	39.301 Initiation of protective investigations
25	(22) When an investigation is closed and a person is
26	not identified as a caregiver responsible for the abuse,
27	neglect, or abandonment alleged in the report, the fact that
28	the person is named in some capacity in the report may not be
29	used in any way to adversely affect the interests of that
30	person. This prohibition applies to any use of the information
31	in employment screening, licensing, child placement, adoption,

CODING: Words stricken are deletions; words <u>underlined</u> are additions.

1 or any other decisions by a private adoption agency or a state 2 agency or its contracted providers. Section 2. Subsection (7) is added to section 39.302, 3 Florida Statutes, to read: 4 5 39.302 Protective investigations of institutional б child abuse, abandonment, or neglect .--7 (7) When an investigation of institutional abuse, neglect, or abandonment is closed and a person is not 8 9 identified as a caregiver responsible for the abuse, neglect, 10 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 11 12 way to adversely affect the interests of that person. This 13 prohibition applies to any use of the information in employment screening, licensing, child placement, adoption, or 14 any other decisions by a private adoption agency or a state 15 agency or its contracted providers. If such a person is a 16 17 licensee of the department and is named in any capacity in three or more reports within a 5-year period, the department 18 may review those reports and determine whether the information 19 contained in the reports is relevant for purposes of 20 21 determining whether the person's license should be renewed or revoked. If the information is relevant to the decision to 2.2 23 renew or revoke the license, the department may rely on the information contained in the report in making that decision. 2.4 25 Section 3. This act shall take effect upon becoming a 26 law. 27 2.8 29 30 31

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1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2	<u>Senate Bill 758</u>
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4 5	granted to subjects of reports of child abuse when the sta
6 7	subject of a report into the statewide database until the t
8	held and the department has prevailed.
9	Prohibits the use of information in any way to adversely affect the interests of a person named in a report of abuse,
10	neglect, or abandonment unless the person is identified as the person responsible for causing the abuse, neglect or
11	abandonment. Applies this prohibition to both individual investigations and institutional investigations, but allows the information to be used if relevant in institutional licensing if at least three instances have been reported within a five-year period.
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