

By the Committees on Judiciary; Children and Families; and  
Senator Wise

590-2073-05

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

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

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25           Section 1. Paragraph (q) is added to subsection (2) of  
26 section 39.202, Florida Statutes, to read:

27           39.202 Confidentiality of reports and records in cases  
28 of child abuse or neglect.--

29           (2) Except as provided in subsection (4), access to  
30 such records, excluding the name of the reporter which shall  
31 be released only as provided in subsection (5), shall be

1 granted only to the following persons, officials, and  
2 agencies:

3 (g) Staff of a children's advocacy center that is  
4 established and operated under s. 39.3035.

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

7 39.301 Initiation of protective investigations.--

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

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

19 39.302 Protective investigations of institutional  
20 child abuse, abandonment, or neglect.--

21 (7) When an investigation of institutional abuse,  
22 neglect, or abandonment is closed and a person is not  
23 identified as a caregiver responsible for the abuse, neglect,  
24 or abandonment alleged in the report, the fact that the person  
25 is named in some capacity in the report may not be used in any  
26 way to adversely affect the interests of that person. This  
27 prohibition applies to any use of the information in  
28 employment screening, licensing, child placement, adoption, or  
29 any other decisions by a private adoption agency or a state  
30 agency or its contracted providers. If such a person is a  
31 licensee of the department and is named in any capacity in

1 three or more reports within a 5-year period, the department  
2 may review those reports and determine whether the information  
3 contained in the reports is relevant for purposes of  
4 determining whether the person's license should be renewed or  
5 revoked. If the information is relevant to the decision to  
6 renew or revoke the license, the department may rely on the  
7 information contained in the report in making that decision.

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

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11                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
12                   COMMITTEE SUBSTITUTE FOR  
13                   CS/Senate Bill 758

14 The committee substitute makes the following change to the  
15 underlying committee substitute:

16 -- Provides access to confidential reports and records in  
17 cases of child abuse to children's advocacy center staff.  
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