

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 1650

INTRODUCER: Senator Montford

SUBJECT: Child Abuse, Abandonment, and Neglect

DATE: January 26, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	<b>Pre-meeting</b>
2.			GO	
3.			RC	

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**I. Summary:**

SB 1650 amends s. 39.202, F.S., relating to confidentiality of reports and records in cases of child abuse or neglect, to protect the confidentiality of instructional personnel as defined in s. 1012.01(2), F.S., school administrators as defined in s. 1012.01(3)(c), F.S., and educational support employees as defined in s.1012(6)(a), F.S., who have provided information as collateral contacts to child protective investigators, even if the individual was not the individual reporting the alleged maltreatment to the Hotline.

The bill has no impact on state or local government and has an effective date of July 1, 2018.

**II. Present Situation:**

**Confidentiality of Records**

Section 39.202, F.S., currently only protects the confidentiality (i.e., identity or name) of the individual who reported the alleged abuse or neglect to the Florida Abuse Hotline (Hotline). There are currently no provisions for protecting the confidentiality of any individual who has shared information with a child protective investigator because of being interviewed as part of the investigative process.

**Collateral Contacts**

Collateral contacts in a child abuse investigation can include the referral source, other family members, and other community professionals who have contact with the family or people in the community, whose contact with one of the family members may have given them knowledge that would relate to the family situation. Collateral contacts may be able to provide information such as identifying information – full name, dates of birth/age, address, parents’ names and social security numbers – as well as information about family dynamics and relationships.

### **School Personnel**

School personnel, particularly teachers and school nurses, can be excellent sources of corroborating information that can help confirm or deny the allegation being considered. They are often able to provide information on children's behaviors, have insight into the child's relationship with his or her family members or have observed medical or psychological conditions that might be associated with the allegations of abuse or neglect.

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 39.202, F.S., relating to confidentiality of reports and records in cases of child abuse or neglect, to protect the confidentiality of instructional personnel as defined in s. 1012.01(2), F.S., school administrators as defined in s. 1012.01(3)(c), F.S., and educational support employees as defined in s.1012(6)(a), F.S., who have provided information to child protective investigators, even if the individual was not the individual reporting the alleged maltreatment to the Hotline.

**Section 2** provides an effective date of July 1, 2018.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

#### **C. Government Sector Impact:**

None. The department would need to provide training to those individuals responsible for redacting confidential information prior to release of records as allowed and defined in s. 39.202(2)(d), F.S., to make sure school personnel identified in 39.202, F.S., are also

afforded the same confidentiality protections as reporters of alleged maltreatment to the Hotline. In addition, there may be minimal impact on the workload of those who redact records. The training and redaction of records is considered a part of doing business and can be absorbed within existing resources.<sup>1</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill substantially amends s. 39.202 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>1</sup> The Department of Children and Families, 2018 Agency Legislative Bill analysis, SB 1650. January 23, 2018.