



637096

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2019	.	
	.	
	.	
	.	

---

The Committee on Education (Montford) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (2) and (5) of section 39.202,  
Florida Statutes, are amended to read:

39.202 Confidentiality of reports and records in cases of  
child abuse or neglect.—

(2) Except as provided in subsection (4), access to such  
records, excluding the name of, or other identifying information  
with respect to, the reporter which shall be released only as



12 provided in subsection (5), shall be granted only to the  
13 following persons, officials, and agencies:

14 (a) Employees, authorized agents, or contract providers of  
15 the department, the Department of Health, the Agency for Persons  
16 with Disabilities, the Office of Early Learning, or county  
17 agencies responsible for carrying out:

- 18 1. Child or adult protective investigations;
- 19 2. Ongoing child or adult protective services;
- 20 3. Early intervention and prevention services;
- 21 4. Healthy Start services;
- 22 5. Licensure or approval of adoptive homes, foster homes,  
23 child care facilities, facilities licensed under chapter 393,  
24 family day care homes, providers who receive school readiness  
25 funding under part VI of chapter 1002, or other homes used to  
26 provide for the care and welfare of children;
- 27 6. Employment screening for caregivers in residential group  
28 homes; or
- 29 7. Services for victims of domestic violence when provided  
30 by certified domestic violence centers working at the  
31 department's request as case consultants or with shared clients.

32  
33 Also, employees or agents of the Department of Juvenile Justice  
34 responsible for the provision of services to children, pursuant  
35 to chapters 984 and 985.

36 (b) Criminal justice agencies of appropriate jurisdiction.

37 (c) The state attorney of the judicial circuit in which the  
38 child resides or in which the alleged abuse or neglect occurred.

39 (d) The parent or legal custodian of any child who is  
40 alleged to have been abused, abandoned, or neglected, and the



637096

41 child, and their attorneys, including any attorney representing  
42 a child in civil or criminal proceedings. This access shall be  
43 made available no later than 60 days after the department  
44 receives the initial report of abuse, neglect, or abandonment.  
45 However, any information otherwise made confidential or exempt  
46 by law shall not be released pursuant to this paragraph.

47 (e) Any person alleged in the report as having caused the  
48 abuse, abandonment, or neglect of a child. This access shall be  
49 made available no later than 60 days after the department  
50 receives the initial report of abuse, abandonment, or neglect  
51 and, when the alleged perpetrator is not a parent, shall be  
52 limited to information involving the protective investigation  
53 only and shall not include any information relating to  
54 subsequent dependency proceedings. However, any information  
55 otherwise made confidential or exempt by law shall not be  
56 released pursuant to this paragraph.

57 (f) A court upon its finding that access to such records  
58 may be necessary for the determination of an issue before the  
59 court; however, such access shall be limited to inspection in  
60 camera, unless the court determines that public disclosure of  
61 the information contained therein is necessary for the  
62 resolution of an issue then pending before it.

63 (g) A grand jury, by subpoena, upon its determination that  
64 access to such records is necessary in the conduct of its  
65 official business.

66 (h) Any appropriate official of the department or the  
67 Agency for Persons with Disabilities who is responsible for:

68 1. Administration or supervision of the department's  
69 program for the prevention, investigation, or treatment of child



70 abuse, abandonment, or neglect, or abuse, neglect, or  
71 exploitation of a vulnerable adult, when carrying out his or her  
72 official function;

73 2. Taking appropriate administrative action concerning an  
74 employee of the department or the agency who is alleged to have  
75 perpetrated child abuse, abandonment, or neglect, or abuse,  
76 neglect, or exploitation of a vulnerable adult; or

77 3. Employing and continuing employment of personnel of the  
78 department or the agency.

79 (i) Any person authorized by the department who is engaged  
80 in the use of such records or information for bona fide  
81 research, statistical, or audit purposes. Such individual or  
82 entity shall enter into a privacy and security agreement with  
83 the department and shall comply with all laws and rules  
84 governing the use of such records and information for research  
85 and statistical purposes. Information identifying the subjects  
86 of such records or information shall be treated as confidential  
87 by the researcher and shall not be released in any form.

88 (j) The Division of Administrative Hearings for purposes of  
89 any administrative challenge.

90 (k) Any appropriate official of a Florida advocacy council  
91 investigating a report of known or suspected child abuse,  
92 abandonment, or neglect; the Auditor General or the Office of  
93 Program Policy Analysis and Government Accountability for the  
94 purpose of conducting audits or examinations pursuant to law; or  
95 the guardian ad litem for the child.

96 (l) Employees or agents of an agency of another state that  
97 has comparable jurisdiction to the jurisdiction described in  
98 paragraph (a).



637096

99           (m) The Public Employees Relations Commission for the sole  
100 purpose of obtaining evidence for appeals filed pursuant to s.  
101 447.207. Records may be released only after deletion of all  
102 information which specifically identifies persons other than the  
103 employee.

104           (n) Employees or agents of the Department of Revenue  
105 responsible for child support enforcement activities.

106           (o) Any person in the event of the death of a child  
107 determined to be a result of abuse, abandonment, or neglect.  
108 Information identifying the person reporting abuse, abandonment,  
109 or neglect shall not be released. Any information otherwise made  
110 confidential or exempt by law shall not be released pursuant to  
111 this paragraph.

112           (p) An employee of the local school district who is  
113 designated as a liaison between the school district and the  
114 department pursuant to an interagency agreement required under  
115 s. 39.0016 and the principal of a public school, private school,  
116 or charter school where the child is a student. Information  
117 contained in the records which the liaison or the principal  
118 determines are necessary for a school employee to effectively  
119 provide a student with educational services may be released to  
120 that employee.

121           (q) An employee or agent of the Department of Education who  
122 is responsible for the investigation or prosecution of  
123 misconduct by a certified educator.

124           (r) Staff of a children's advocacy center that is  
125 established and operated under s. 39.3035.

126           (s) A physician licensed under chapter 458 or chapter 459,  
127 a psychologist licensed under chapter 490, or a mental health



637096

128 professional licensed under chapter 491 engaged in the care or  
129 treatment of the child.

130 (t) Persons with whom the department is seeking to place  
131 the child or to whom placement has been granted, including  
132 foster parents for whom an approved home study has been  
133 conducted, ~~the designee of a licensed residential group home~~  
134 ~~described in s. 39.523~~, an approved relative or nonrelative with  
135 whom a child is placed pursuant to s. 39.402, preadoptive  
136 parents for whom a favorable preliminary adoptive home study has  
137 been conducted, adoptive parents, or an adoption entity acting  
138 on behalf of preadoptive or adoptive parents.

139 (5) The department may not release the name of, or other  
140 identifying information with respect to, any person reporting  
141 child abuse, abandonment, or neglect ~~may not be released~~ to any  
142 person other than employees of the department responsible for  
143 child protective services, the central abuse hotline, law  
144 enforcement, the child protection team, or the appropriate state  
145 attorney, without the written consent of the person reporting.  
146 This does not prohibit the subpoenaing of a person reporting  
147 child abuse, abandonment, or neglect when deemed necessary by  
148 the court, the state attorney, or the department, provided the  
149 fact that such person made the report is not disclosed. Any  
150 person who reports a case of child abuse or neglect may, at the  
151 time he or she makes the report, request that the department  
152 notify him or her that a child protective investigation occurred  
153 as a result of the report. Any person specifically listed in s.  
154 39.201(1) who makes a report in his or her official capacity may  
155 also request a written summary of the outcome of the  
156 investigation. The department shall mail such a notice to the



637096

157 reporter within 10 days after completing the child protective  
158 investigation.

159       Section 2. The Legislature finds that it is a public  
160 necessity to strengthen reporter-status protection by making all  
161 reporter identifying information exempt from s. 119.07(1),  
162 Florida Statutes, and s. 24(a), Article I of the State  
163 Constitution. The current statutory scheme only protects the  
164 name of the reporter who calls into the abuse hotline. By  
165 protecting only the name of the reporter of child abuse,  
166 abandonment, or neglect, the identity of the individual may be  
167 discerned by other identifying information, thus rendering the  
168 protection ineffective. Providing robust protections to  
169 reporters of child abuse, abandonment, or neglect improves the  
170 mandatory reporting scheme by ensuring that all instances of  
171 suspected child abuse, abandonment, or neglect are reported to  
172 the Department of Children and Families. Therefore, it is  
173 necessary that individuals who are considered reporters under  
174 the current statutory scheme have their identifying information  
175 protected.

176       Section 3. This act shall take effect July 1, 2019.

177  
178 ===== T I T L E   A M E N D M E N T =====

179 And the title is amended as follows:

180       Delete everything before the enacting clause  
181 and insert:

182                       A bill to be entitled  
183       An act relating to public records; amending s. 39.202,  
184       F.S.; prohibiting the release of any identifying  
185       information with respect to any person reporting child



637096

186 abuse, abandonment, or neglect, except under certain  
187 circumstances; making conforming changes; providing a  
188 statement of public necessity; providing an effective  
189 date.