

By Senator Montford

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1 A bill to be entitled
2 An act relating to child abuse, abandonment, and
3 neglect; amending s. 39.201, F.S.; specifying that
4 instructional personnel, school administrators, and
5 educational support employees who follow certain
6 policies when reporting or providing information
7 related to child abuse, abandonment, or neglect are
8 reporters; amending s. 39.202, F.S.; providing that
9 any information that would identify a reporter in
10 cases of child abuse, abandonment, or neglect may be
11 released only under certain circumstances; providing
12 that any information contained in reports or records
13 relating to child abuse, abandonment, or neglect which
14 would identify specified persons may be released only
15 to specified individuals and entities; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Present paragraphs (e) through (h) of subsection
21 (1) of section 39.201, Florida Statutes, are redesignated as
22 paragraphs (f) through (i), respectively, and a new paragraph
23 (e) is added to that subsection, to read:

24 39.201 Mandatory reports of child abuse, abandonment, or
25 neglect; mandatory reports of death; central abuse hotline.—

26 (1)

27 (e) Any instructional personnel as defined in s.
28 1012.01(2), school administrator as defined in s. 1012.01(3)(c),
29 or educational support employee as defined in s. 1012.01(6)(a)

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30 who has followed a school-level or districtwide policy in
31 reporting or providing information related to child abuse,
32 abandonment, or neglect is a reporter for the purposes of s.
33 39.202.

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

36 39.202 Confidentiality of reports and records in cases of
37 child abuse or neglect.—

38 (2) Except as provided in subsection (4), access to such
39 records, excluding the name of the reporter and any information
40 that would identify the reporter, which shall be released only
41 as provided in subsection (5), shall be granted only to the
42 following persons, officials, and agencies:

43 (a) Employees, authorized agents, or contract providers of
44 the department, the Department of Health, the Agency for Persons
45 with Disabilities, the Office of Early Learning, or county
46 agencies responsible for carrying out:

- 47 1. Child or adult protective investigations;
- 48 2. Ongoing child or adult protective services;
- 49 3. Early intervention and prevention services;
- 50 4. Healthy Start services;
- 51 5. Licensure or approval of adoptive homes, foster homes,
52 child care facilities, facilities licensed under chapter 393,
53 family day care homes, providers who receive school readiness
54 funding under part VI of chapter 1002, or other homes used to
55 provide for the care and welfare of children;
- 56 6. Employment screening for caregivers in residential group
57 homes; or
- 58 7. Services for victims of domestic violence when provided

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59 by certified domestic violence centers working at the
60 department's request as case consultants or with shared clients.

61
62 Also, employees or agents of the Department of Juvenile Justice
63 responsible for the provision of services to children, pursuant
64 to chapters 984 and 985.

65 (b) Criminal justice agencies of appropriate jurisdiction.

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

68 (d) The parent or legal custodian of any child who is
69 alleged to have been abused, abandoned, or neglected, and the
70 child, and their attorneys, including any attorney representing
71 a child in civil or criminal proceedings. This access shall be
72 made available no later than 60 days after the department
73 receives the initial report of abuse, neglect, or abandonment.
74 However, any information otherwise made confidential or exempt
75 by law may ~~shall~~ not be released pursuant to this paragraph.

76 (e) Any person alleged in the report as having caused the
77 abuse, abandonment, or neglect of a child. This access must
78 ~~shall~~ be made available no later than 60 days after the
79 department receives the initial report of abuse, abandonment, or
80 neglect and, when the alleged perpetrator is not a parent, must
81 ~~shall~~ be limited to information involving the protective
82 investigation only and may not ~~shall not~~ include any information
83 relating to subsequent dependency proceedings. However, any
84 information otherwise made confidential or exempt by law may not
85 ~~shall not~~ be released pursuant to this paragraph.

86 (f) A court upon its finding that access to such records
87 may be necessary for the determination of an issue before the

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88 court; however, such access must ~~shall~~ be limited to inspection
89 in camera, unless the court determines that public disclosure of
90 the information contained therein is necessary for the
91 resolution of an issue then pending before it.

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

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

97 1. Administration or supervision of the department's
98 program for the prevention, investigation, or treatment of child
99 abuse, abandonment, or neglect, or abuse, neglect, or
100 exploitation of a vulnerable adult, when carrying out his or her
101 official function;

102 2. Taking appropriate administrative action concerning an
103 employee of the department or the agency who is alleged to have
104 perpetrated child abuse, abandonment, or neglect, or abuse,
105 neglect, or exploitation of a vulnerable adult; or

106 3. Employing and continuing employment of personnel of the
107 department or the agency.

108 (i) Any person authorized by the department who is engaged
109 in the use of such records or information for bona fide
110 research, statistical, or audit purposes. Such individual or
111 entity shall enter into a privacy and security agreement with
112 the department and shall comply with all laws and rules
113 governing the use of such records and information for research
114 and statistical purposes. Information identifying the subjects
115 of such records or information shall be treated as confidential
116 by the researcher and may ~~shall~~ not be released in any form.

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117 (j) The Division of Administrative Hearings for purposes of
118 any administrative challenge.

119 (k) Any appropriate official of a Florida advocacy council
120 investigating a report of known or suspected child abuse,
121 abandonment, or neglect; the Auditor General or the Office of
122 Program Policy Analysis and Government Accountability for the
123 purpose of conducting audits or examinations pursuant to law; or
124 the guardian ad litem for the child.

125 (l) Employees or agents of an agency of another state which
126 ~~that~~ has comparable jurisdiction to the jurisdiction described
127 in paragraph (a).

128 (m) The Public Employees Relations Commission for the sole
129 purpose of obtaining evidence for appeals filed pursuant to s.
130 447.207. Records may be released only after deletion of all
131 information that ~~which~~ specifically identifies persons other
132 than the employee.

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

135 (o) Any person in the event of the death of a child
136 determined to be a result of abuse, abandonment, or neglect.
137 Information identifying the person reporting abuse, abandonment,
138 or neglect may ~~shall~~ not be released. Any information otherwise
139 made confidential or exempt by law may ~~shall~~ not be released
140 pursuant to this paragraph.

141 (p) An employee of the local school district who is
142 designated as a liaison between the school district and the
143 department pursuant to an interagency agreement required under
144 s. 39.0016 and the principal of a public school, private school,
145 or charter school where the child is a student. Information

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146 contained in the records which the liaison or the principal
147 determines are necessary for a school employee to effectively
148 provide a student with educational services may be released to
149 that employee.

150 (q) An employee or agent of the Department of Education who
151 is responsible for the investigation or prosecution of
152 misconduct by a certified educator.

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

155 (s) A physician licensed under chapter 458 or chapter 459,
156 a psychologist licensed under chapter 490, or a mental health
157 professional licensed under chapter 491 engaged in the care or
158 treatment of the child.

159 (t) Persons with whom the department is seeking to place
160 the child or to whom placement has been granted, including
161 foster parents for whom an approved home study has been
162 conducted, the designee of a licensed residential group home
163 described in s. 39.523, an approved relative or nonrelative with
164 whom a child is placed pursuant to s. 39.402, preadoptive
165 parents for whom a favorable preliminary adoptive home study has
166 been conducted, adoptive parents, or an adoption entity acting
167 on behalf of preadoptive or adoptive parents.

168 (5) Any information contained in reports or records
169 relating to child abuse, abandonment, or neglect which would
170 identify ~~The name of~~ any person reporting child abuse,
171 abandonment, or neglect may not be released to any person other
172 than employees of the department responsible for child
173 protective services, the central abuse hotline, law enforcement,
174 the child protection team, or the appropriate state attorney~~r~~

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175 without the written consent of the person reporting. This does
176 not prohibit the subpoenaing of a person reporting child abuse,
177 abandonment, or neglect when deemed necessary by the court, the
178 state attorney, or the department, provided the fact that such
179 person made the report is not disclosed. Any person who reports
180 a case of child abuse or neglect may, at the time he or she
181 makes the report, request that the department notify him or her
182 that a child protective investigation occurred as a result of
183 the report. Any person specifically listed in s. 39.201(1) who
184 makes a report in his or her official capacity may also request
185 a written summary of the outcome of the investigation. The
186 department shall mail such a notice to the reporter within 10
187 days after completing the child protective investigation.

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