

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Committee/Subcommittee hearing bill: Children, Families &  
2 Seniors Subcommittee

3 Representative Roth offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (2) and (5) of section 39.202,

8 Florida Statutes, are amended to read:

9 39.202 Confidentiality of reports and records in cases of  
10 child abuse or neglect.—

11 (2) Except as provided in subsection (4), access to such  
12 records, excluding the name of, or other identifying information  
13 with respect to, the reporter which shall be released only as  
14 provided in subsection (5), shall be granted only to the  
15 following persons, officials, and agencies:

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

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

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

38 (b) Criminal justice agencies of appropriate jurisdiction.

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

42 (d) The parent or legal custodian of any child who is  
43 alleged to have been abused, abandoned, or neglected, and the  
44 child, and their attorneys, including any attorney representing  
45 a child in civil or criminal proceedings. This access shall be  
46 made available no later than 60 days after the department  
47 receives the initial report of abuse, neglect, or abandonment.  
48 However, any information otherwise made confidential or exempt  
49 by law shall not be released pursuant to this paragraph.

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

60 (f) A court upon its finding that access to such records  
61 may be necessary for the determination of an issue before the  
62 court; however, such access shall be limited to inspection in  
63 camera, unless the court determines that public disclosure of

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64 the information contained therein is necessary for the  
65 resolution of an issue then pending before it.

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

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

71 1. Administration or supervision of the department's  
72 program for the prevention, investigation, or treatment of child  
73 abuse, abandonment, or neglect, or abuse, neglect, or  
74 exploitation of a vulnerable adult, when carrying out his or her  
75 official function;

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

80 3. Employing and continuing employment of personnel of the  
81 department or the agency.

82 (i) Any person authorized by the department who is engaged  
83 in the use of such records or information for bona fide  
84 research, statistical, or audit purposes. Such individual or  
85 entity shall enter into a privacy and security agreement with  
86 the department and shall comply with all laws and rules  
87 governing the use of such records and information for research  
88 and statistical purposes. Information identifying the subjects

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89 | of such records or information shall be treated as confidential  
90 | by the researcher and shall not be released in any form.

91 |       (j) The Division of Administrative Hearings for purposes  
92 | of any administrative challenge.

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

99 |       (l) Employees or agents of an agency of another state that  
100 | has comparable jurisdiction to the jurisdiction described in  
101 | paragraph (a).

102 |       (m) The Public Employees Relations Commission for the sole  
103 | purpose of obtaining evidence for appeals filed pursuant to s.  
104 | 447.207. Records may be released only after deletion of all  
105 | information which specifically identifies persons other than the  
106 | employee.

107 |       (n) Employees or agents of the Department of Revenue  
108 | responsible for child support enforcement activities.

109 |       (o) Any person in the event of the death of a child  
110 | determined to be a result of abuse, abandonment, or neglect.  
111 | Information identifying the person reporting abuse, abandonment,  
112 | or neglect shall not be released. Any information otherwise made

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113 confidential or exempt by law shall not be released pursuant to  
114 this paragraph.

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

124 (q) An employee or agent of the Department of Education  
125 who is responsible for the investigation or prosecution of  
126 misconduct by a certified educator.

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

129 (s) A physician licensed under chapter 458 or chapter 459,  
130 a psychologist licensed under chapter 490, or a mental health  
131 professional licensed under chapter 491 engaged in the care or  
132 treatment of the child.

133 (t) Persons with whom the department is seeking to place  
134 the child or to whom placement has been granted, including  
135 foster parents for whom an approved home study has been  
136 conducted, ~~the designee of a licensed residential group home~~  
137 ~~described in s. 39.523,~~ an approved relative or nonrelative with

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138 | whom a child is placed pursuant to s. 39.402, preadoptive  
139 | parents for whom a favorable preliminary adoptive home study has  
140 | been conducted, adoptive parents, or an adoption entity acting  
141 | on behalf of preadoptive or adoptive parents.

142 |       (5) The department may not release the name of or  
143 | information identifying any person reporting child abuse,  
144 | abandonment, or neglect ~~may not be released~~ to any person other  
145 | than employees of the department responsible for child  
146 | protective services, the central abuse hotline, law enforcement,  
147 | the child protection team, or the appropriate state attorney,  
148 | without the written consent of the person reporting. This does  
149 | not prohibit the subpoenaing of a person reporting child abuse,  
150 | abandonment, or neglect when deemed necessary by the court, the  
151 | state attorney, or the department, provided the fact that such  
152 | person made the report is not disclosed. Any person who reports  
153 | a case of child abuse or neglect may, at the time he or she  
154 | makes the report, request that the department notify him or her  
155 | that a child protective investigation occurred as a result of  
156 | the report. Any person specifically listed in s. 39.201(1) who  
157 | makes a report in his or her official capacity may also request  
158 | a written summary of the outcome of the investigation. The  
159 | department shall mail such a notice to the reporter within 10  
160 | days after completing the child protective investigation.

161 |       Section 2. The Legislature finds that it is a public  
162 | necessity to strengthen reporter-status protection by making all

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

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

180 -----  
181 **T I T L E A M E N D M E N T**

182 Remove everything before the enacting clause and insert:  
183 An act relating to public records; amending s. 39.202, F.S.;  
184 prohibiting the release of the name of, or other identifying  
185 information with respect to, any person reporting child abuse,  
186 abandonment, or neglect except under certain circumstances;



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 601 (2019)

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187 making conforming changes; providing a statement of public  
188 necessity; providing an effective date.