

Bill No. SB 758

Barcode 941692

Proposed Committee Substitute by the Committee on Children and Families

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A bill to be entitled
An act relating to child protective investigations; amending s. 39.301, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect for purposes that adversely affect the interests of persons who are not identified as responsible for such abuse, abandonment, or neglect; amending s. 39.302, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect in institutional investigations for purposes that adversely affect the interests of persons not identified as responsible; providing circumstances under which the Department of Children and Family Services may rely on such information in a decision to renew or revoke a license; providing an effective date.

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

Section 1. Subsection (22) is added to section 39.301, Florida Statutes, to read:

39.301 Initiation of protective investigations.--
(22) When an investigation is closed and a person is not identified as a caregiver responsible for the abuse, neglect, or abandonment alleged in the report, the fact that the person is named in some capacity in the report may not be used in any way to adversely affect the interests of that person. This prohibition applies to any use of the information in employment screening, licensing, child placement, adoption,

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1 or any other decisions by a private adoption agency or a state
2 agency or its contracted providers.

3 Section 2. Subsection (7) is added to section 39.302,
4 Florida Statutes, to read:

5 39.302 Protective investigations of institutional
6 child abuse, abandonment, or neglect.--

7 (7) When an investigation of institutional abuse,
8 neglect, or abandonment is closed and a person is not
9 identified as a caregiver responsible for the abuse, neglect,
10 or abandonment alleged in the report, the fact that the person
11 is named in some capacity in the report may not be used in any
12 way to adversely affect the interests of that person. This
13 prohibition applies to any use of the information in
14 employment screening, licensing, child placement, adoption, or
15 any other decisions by a private adoption agency or a state
16 agency or its contracted providers. If such a person is a
17 licensee of the department and is named in any capacity in
18 three or more reports within a 5-year period, the department
19 may review those reports and determine whether the information
20 contained in the reports is relevant for purposes of
21 determining whether the person's license should be renewed or
22 revoked. If the information is relevant to the decision to
23 renew or revoke the license, the department may rely on the
24 information contained in the report in making that decision.

25 Section 3. This act shall take effect upon becoming a
26 law.

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