



Committee on State Affairs

Wednesday, April 2, 2008

**Morris Hall
8:00 AM – 9:30 AM**

Committee Action

**Marco Rubio
Speaker**

**Andy Gardiner
Chairman**

COMMITTEE MEETING REPORT

Committee on State Affairs

4/2/2008 8:00:00AM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Andy Gardiner (Chair)	X		
Dorothy Bendross-Mindingall	X		
Chris Dorworth	X		
Hugh Gibson III	X		
Ed Hooper	X		
Charles McBurney	X		
Robert Schenck	X		
Ron Schultz	X		
Kelly Skidmore	X		
Geraldine Thompson	X		
Totals:	10	0	0

Committee meeting was reported out: Wednesday, April 02, 2008 9:25:12AM

COMMITTEE MEETING REPORT

Committee on State Affairs

4/2/2008 8:00:00AM

Location: Morris Hall (17 HOB)

HB 389 : Retirement

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Chris Dorworth	X				
Hugh Gibson III	X				
Ed Hooper	X				
Charles McBurney	X				
Robert Schenck	X				
Ron Schultz	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Andy Gardiner (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Appearances:

Retirement

Frank Fabrozio, Chief - Proponent

Orange County Sheriff's Office

2500 W. Colonial Drive

Orlando, Florida 32804

Phone: 407.448.7669

Committee meeting was reported out: Wednesday, April 02, 2008 9:25:12AM

COMMITTEE MEETING REPORT

Committee on State Affairs

4/2/2008 8:00:00AM

Location: Morris Hall (17 HOB)

HB 887 : Career Service System

Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Chris Dorworth	X				
Hugh Gibson III	X				
Ed Hooper	X				
Charles McBurney	X				
Robert Schenck	X				
Ron Schultz	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Andy Gardiner (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Committee meeting was reported out: Wednesday, April 02, 2008 9:25:12AM

COMMITTEE MEETING REPORT

Committee on State Affairs

4/2/2008 8:00:00AM

Location: Morris Hall (17 HOB)

HB 1049 : Florida Retirement System

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Chris Dorworth	X				
Hugh Gibson III	X				
Ed Hooper	X				
Charles McBurney	X				
Robert Schenck	X				
Ron Schultz	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Andy Gardiner (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Committee meeting was reported out: Wednesday, April 02, 2008 9:25:12AM

COMMITTEE MEETING REPORT

Committee on State Affairs

4/2/2008 8:00:00AM

Location: Morris Hall (17 HOB)

HB 1467 : Access to Confidential Records of Children

<input checked="" type="checkbox"/> Favorable With Amendments	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Chris Dorworth	X				
Hugh Gibson III	X				
Ed Hooper	X				
Charles McBurney	X				
Robert Schenck	X				
Ron Schultz	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Andy Gardiner (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Appearances:

Access to DCFS Records

Barbara A. Petersen, Chair (Lobbyist) - Proponent

Commission on Open Government Reform

336 E. College Avenue

Tallahassee Florida 32301

Phone: 850.224.4555

Access to DCFS Records

Robin Singleton, Secretary - Information Only

Florida Youth

2149 Christy Lane

Panama City, Florida 32428

Phone: 850.819.3613

Committee meeting was reported out: Wednesday, April 02, 2008 9:25:12AM

COMMITTEE MEETING REPORT

Committee on State Affairs

4/2/2008 8:00:00AM

Location: Morris Hall (17 HOB)

Workshop

HB 1451:

Not Discussed

Committee meeting was reported out: Wednesday, April 02, 2008 9:25:12AM

COMMITTEE MEETING REPORT

Committee on State Affairs

4/2/2008 8:00:00AM

Location: Morris Hall (17 HOB)

Summary:

Committee on State Affairs

Wednesday April 02, 2008 08:00 am

HB 389	Favorable	Yeas: 10	Nays: 0
HB 887	Favorable With Amendments	Yeas: 10	Nays: 0
HB 1049	Favorable	Yeas: 10	Nays: 0
HB 1451	Not Discussed		
HB 1467	Favorable With Amendments	Yeas: 10	Nays: 0

Committee meeting was reported out: Wednesday, April 02, 2008 9:25:12AM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 887**

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Committee on State Affairs
2 Representative(s) Coley offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 110.227, Florida Statutes, is amended
7 to read:

8 110.227 Suspensions, dismissals, reductions in pay,
9 demotions, layoffs, transfers, and grievances.--

10 (1) Any employee who has permanent status in the Career
11 Service System by satisfactorily completing ~~completed~~ at least a
12 1-year probationary period in a career service ~~his or her~~
13 ~~current~~ position and has subsequently been continuously employed
14 thereafter in a career service position may be suspended or
15 dismissed only for cause. Cause shall include, but is not
16 limited to, poor performance, negligence, inefficiency or
17 inability to perform assigned duties, insubordination, violation
18 of the provisions of law or agency rules, conduct unbecoming a
19 public employee, misconduct, habitual drug abuse, or conviction
20 of any crime. The agency head shall ensure that all employees of
21 the agency have reasonable access to the agency's personnel
22 manual.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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23 (2) (a) The department shall establish rules and procedures
24 for the suspension, reduction in pay, transfer, layoff,
25 demotion, and dismissal of employees in the career service.
26 Except with regard to law enforcement or correctional officers,
27 firefighters, or professional health care providers, rules
28 regarding layoff procedures shall not include any system whereby
29 a career service employee with greater seniority has the option
30 of selecting a different position not being eliminated, but
31 either vacant or already occupied by an employee of less
32 seniority, and taking that position, commonly referred to as
33 "bumping."

34 (b) For the implementation of layoffs ~~as defined in s.~~
35 ~~110.107,~~ the department shall develop rules requiring retention
36 of agency's employees based upon objective measures of that
37 consideration be given to length of service, comparative merit,
38 demonstrated skills, and the employee's experience. Such rules
39 must shall be approved by the Administration Commission before
40 prior to their adoption by the department.

41 (3) (a) With regard to law enforcement or correctional
42 officers, firefighters, or professional health care providers,
43 and all other career service employees who have achieved
44 permanent status in the Career Service System by satisfactorily
45 completing a probationary period of at least 1 year and been
46 continuously employed as a career service employee thereafter,
47 when a layoff becomes necessary, such layoff shall be conducted
48 within the competitive area identified by the agency head and
49 approved by the Department of Management Services. Such
50 competitive area shall be established taking into consideration
51 the similarity of work; the organizational unit, which may be by
52 agency, department, division, bureau, or other organizational
53 unit; and the commuting area for the work affected.

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54 (b) With regard to law enforcement or correctional
55 officers, firefighters, or professional health care providers,
56 and all other career service employees who have achieved
57 permanent status in the Career Service System by satisfactorily
58 completing a probationary period of at least 1 year and been
59 continuously employed as a career service employee thereafter,
60 layoff procedures shall be developed to establish the relative
61 merit and fitness of employees and shall include a formula for
62 uniform application among all employees in the competitive area,
63 taking into consideration the type of appointment, the length of
64 service, and the evaluations of the employee's performance
65 within the last 5 years of employment.

66 (4) A grievance process shall be available to career
67 service employees ~~who have satisfactorily completed at least a~~
68 ~~1-year probationary period in their current positions.~~ A
69 grievance is defined as the dissatisfaction that occurs when an
70 employee believes that any condition affecting the employee is
71 unjust, inequitable, or a hindrance to effective operation.
72 Claims of discrimination and sexual harassment or claims related
73 to suspensions, reductions in pay, demotions, and dismissals are
74 not subject to the career service grievance process. The
75 following procedures shall apply to any grievance filed pursuant
76 to this subsection, except that all timeframes may be extended
77 in writing by mutual agreement:

78 (a) Step One.--The employee may submit a signed, written
79 grievance on a form provided by the agency to his or her
80 supervisor within 14 ~~7~~ calendar days following the occurrence of
81 the event giving rise to the grievance. The supervisor must meet
82 with the employee to discuss the grievance within and provide a
83 written response to the employee 7 ~~5~~ business days following
84 receipt of the grievance.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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85 (b) Step Two.--If the employee is dissatisfied with the
86 response of his or her supervisor, the employee may submit the
87 written grievance to the agency head or his or her designee
88 within 7 2 business days following receipt of the supervisor's
89 written response. The agency head or his or her designee must
90 meet with the employee to discuss the grievance within 5
91 business days following receipt of the grievance. The agency
92 head or his or her designee must respond in writing to the
93 employee within 5 business days following the meeting. The
94 written decision of the agency head shall be the final authority
95 for all grievances filed pursuant to this subsection not
96 involving an allegation of the agency's failure to comply with
97 the provisions of the Personnel Rules and Regulations. A claim
98 of a violation of the provisions of the Personnel Rules and
99 Regulations entitles the employee to pursue review of the filed
100 grievance through the Department of Management Services if the
101 employee is dissatisfied with the agency head's or his or her
102 designee's decision. Such grievances may not be appealed beyond
103 Step Two.

104 (5) (a) An A-career service employee who has permanent
105 status in the Career Service System satisfactorily completed at
106 least a 1-year probationary period in his or her current
107 position and who is subject to a lay off, suspension, reduction
108 in pay, demotion, involuntary transfer of more than 50 miles by
109 highway, or dismissal shall receive written notice of such
110 action at least 10 days prior to the date such action is to be
111 taken. Subsequent to such notice, and prior to the date the
112 action is to be taken, the affected employee shall be given an
113 opportunity to appear before the agency or official taking the
114 action to answer orally and in writing the charges against him
115 or her. The notice to the employee required by this paragraph

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116 may be delivered to the employee personally or may be sent by
117 certified mail with return receipt requested. Such actions shall
118 be appealable to the Public Employees Relations Commission as
119 provided in subsection (6). Written notice of any such appeal
120 shall be filed by the employee with the commission within 21 ~~14~~
121 calendar days after the date on which the notice of lay off,
122 suspension, reduction in pay, demotion, involuntary transfer of
123 more than 50 miles by highway, or dismissal is received by the
124 employee.

125 (b) A career service employee who has previously attained
126 permanent status in the Career Service System, but is serving a
127 probationary period in a position to which he or she has been
128 promoted, may be removed from that promotional position at any
129 time during the probationary period without a showing of cause
130 but must be returned to his or her former position or
131 occupational group and occupational level from which he or she
132 was promoted, provided that the position is available. If the
133 position is unavailable, then the agency should make every
134 effort to retain the employee.

135 (c) ~~(b)~~ In extraordinary situations such as when the
136 retention of a career service employee who has permanent status
137 in the Career Service System ~~satisfactorily completed at least a~~
138 ~~1-year probationary period~~ in his or her current position would
139 result in damage to state property, would be detrimental to the
140 best interest of the state, or would result in injury to the
141 employee, a fellow employee, or some other person, such employee
142 may be suspended or dismissed without 10 days' prior notice,
143 provided that written or oral notice of such action, evidence of
144 the reasons therefor, and an opportunity to rebut the charges
145 are furnished to the employee prior to such dismissal or
146 suspension. Such notice may be delivered to the employee

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147 personally or may be sent by certified mail with return receipt
148 requested. Agency compliance with the foregoing procedure
149 requiring notice, evidence, and an opportunity for rebuttal must
150 be substantiated. Any employee who is suspended or dismissed
151 pursuant to the provisions of this paragraph may appeal to the
152 Public Employees Relations Commission as provided in subsection
153 (6). Written notice of any such appeal shall be filed with the
154 commission by the employee within 21 ~~14~~ days after the date on
155 which the notice of suspension, ~~reduction in pay, demotion,~~ or
156 dismissal is received by the employee.

157 (6) The following procedures shall apply to appeals filed
158 pursuant to subsection (5) with the Public Employees Relations
159 Commission, hereinafter referred to as the commission:

160 (a) The commission must conduct a hearing within 60 ~~30~~
161 calendar days following the filing of a notice of appeal. No
162 extension of time for the hearing may exceed 30 calendar days,
163 absent exceptional circumstances, and no extension of time may
164 be granted without the consent of all parties. Discovery may be
165 granted only upon the showing of extraordinary circumstances. A
166 party requesting discovery shall demonstrate a substantial need
167 for the information requested and an inability to obtain
168 relevant information by other means. Except where inconsistent
169 with the requirements of this subsection, the provisions of s.
170 447.503(4) and (5) and chapter 120 apply to proceedings held
171 pursuant to this subsection.

172 (b) A person may represent himself or herself in
173 proceedings before the commission or may be represented by legal
174 counsel or by any individual who qualifies as a representative
175 pursuant to rules adopted by the commission.

176 (c) If the commission finds that cause did not exist for
177 the agency action, the commission shall reverse the decision of

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178 the agency head and the employee shall be reinstated with or
179 without back pay. If the commission finds that just cause
180 existed for the agency action, the commission shall consider
181 mitigation of the discipline for any appropriate cause and
182 affirm the decision of the agency head. The commission may ~~not~~
183 reduce the penalty imposed by the agency head, ~~except~~ in the
184 case of law enforcement or correctional officers, firefighters,
185 and professional health care providers, and all other career
186 service employees who have achieved permanent status in the
187 Career Service System by satisfactorily completing a
188 probationary period of at least 1 year and been continuously
189 employed as a career service employee thereafter, if the
190 commission makes specific written findings of mitigation.

191 (d) A recommended order shall be issued by the hearing
192 officer within 30 days following the hearing. Exceptions to the
193 recommended order shall be filed within 15 ~~5-business~~ days after
194 the recommended order is issued. The final order shall be filed
195 by the commission no later than 30 calendar days after the
196 hearing or after the filing of exceptions or oral arguments if
197 granted.

198 (e) Final orders issued by the commission pursuant to
199 paragraph (d) shall be reviewable as provided in s. 447.504.

200 (7) Other than for law enforcement or correctional
201 officers, firefighters, and professional health care providers,
202 and all other career service employees who have achieved
203 permanent status in the Career Service System by satisfactorily
204 completing a probationary period of at least 1 year and being
205 continuously employed as a career service employee thereafter,
206 each suspension, dismissal, demotion, or reduction in pay must
207 be reviewed without consideration of any other case or set of
208 facts.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

209 Section 2. This act shall take effect January 1, 2009.

210

211

212

T I T L E A M E N D M E N T

213

Remove the entire title and insert:

214

A bill to be entitled

215

An act relating to the Career Service System; amending s.

216

110.227, F.S.; revising requirements for disciplining an

217

employee; revising which employees may be suspended or dismissed

218

only for cause; revising criteria for certain rules and

219

procedures for the suspension, reduction in pay, transfer,

220

layoff, demotion, and dismissal of employees in the career

221

service; revising provisions relating to the applicability of

222

layoff procedures; providing that the grievance process shall be

223

available to all career service employees; increasing the

224

amounts of time in which to submit grievances and respond to

225

grievances; revising what written decisions of the agency shall

226

be the final authority for all grievances at the Step Two level;

227

authorizing certain Step Two grievances to be submitted to the

228

Department of Management Services; revising notice requirements;

229

providing for the removal and placement of certain career

230

service employees serving a probationary period; authorizing

231

certain employees to appeal to the Public Employees Relations

232

Commission; increasing the amount of time in which the employee

233

must file an appeal; revising procedures applicable to appeals

234

filed with the commission; providing an effective date.

235

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 1467**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Committee on State Affairs
 2 Representative(s) Weatherford offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 39.00145, Florida Statutes, is created
7 to read:

8 39.00145 Child records.--

9 (1) The case file of every child under the supervision of
 10 or in the custody of the department or its authorized agents or
 11 contract providers, including community-based care lead agencies
 12 and their subcontracted providers, must be maintained in a
 13 complete and accurate manner. A complete and accurate manner
 14 includes, but is not limited to, the child's case plan required
 15 by part VIII of this chapter and the full name and street
 16 address of all shelters, foster parents, group homes, treatment
 17 facilities, or locations where the child is placed.

18 (2) (a) Notwithstanding any other provision in this
 19 chapter, the records in the case file shall be made available
 20 for inspection upon request of the child or the child's
 21 caregiver, guardian ad litem, or attorney, at no cost. A request

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22 by the child's attorney or guardian ad litem must be submitted
23 in writing.

24 (b) The child shall be provided with a complete and
25 accurate copy of his or her entire case file, at no cost, upon
26 the request of the child or the child's caregiver, guardian ad
27 litem, or attorney on behalf of the child.

28 (c) Release of records in the case file to the child or
29 the child's caregiver, guardian ad litem, or attorney, does not
30 waive the confidential and exempt status of the records.

31 (3) If a court determines that sharing information in the
32 child's case file is necessary to ensure the child receives
33 access to appropriate services or for the safety of the child,
34 the court may approve the release of the confidential and exempt
35 records.

36 (4) For purposes of the Family Educational Rights and
37 Privacy Act, the disclosure of information in health and safety
38 emergencies applies to a child placed in shelter care or found
39 to be dependent under this chapter.

40 (5) (a) Notwithstanding any other provision of law, all
41 state and local agencies and programs that provide services to
42 children or are responsible for the safety of the child,
43 including the department, the Department of Juvenile Justice,
44 the Department of Health, the Agency for Health Care
45 Administration, the Agency for Persons with Disabilities, the
46 Department of Education, individual school districts, the
47 Statewide Guardian Ad Litem Office, and any contract provider of
48 such agencies, may share with each other confidential and exempt
49 records if the records are reasonably necessary to ensure access
50 by the child to appropriate services or for the safety of the
51 child.

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52 (b) This subsection does not apply to information
53 concerning clients and records of certified domestic violence
54 centers which are confidential under s. 39.908 and privileged
55 under s. 90.5036.

56 Section 2. Paragraph (a) of subsection (2) of section
57 39.202, Florida Statutes, is amended, and paragraph (r) is added
58 to subsection (2) of that section, to read:

59 39.202 Confidentiality of reports and records in cases of
60 child abuse or neglect.--

61 (2) Except as provided in subsection (4), access to such
62 records, excluding the name of the reporter which shall be
63 released only as provided in subsection (5), shall be granted
64 only to the following persons, officials, and agencies:

65 (a) Employees, authorized agents, or contract providers of
66 the department, including community-based care lead agencies and
67 their subcontracted providers, the Department of Health, the
68 Agency for Persons with Disabilities, or county agencies
69 responsible for carrying out:

- 70 1. Child or adult protective investigations;
- 71 2. Ongoing child or adult protective services;
- 72 3. Early intervention and prevention services;
- 73 4. Healthy Start services;
- 74 5. Licensure or approval of adoptive homes, foster homes,
75 child care facilities, facilities licensed under chapter 393, or
76 family day care homes or informal child care providers who
77 receive subsidized child care funding, or other homes used to
78 provide for the care and welfare of children; or
- 79 6. Services for victims of domestic violence ~~when~~ provided
80 by certified domestic violence centers working at the
81 department's request as case consultants or with shared clients.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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83 Also, employees or agents of the Department of Juvenile Justice
84 responsible for the provision of services to children, pursuant
85 to chapters 984 and 985.

86 (r) Persons with whom placement of a child is being
87 considered or has been granted, including, but not limited to,
88 foster parents, pre-adoptive or adoptive parents, or an adoption
89 entity acting on their behalf.

90 Section 3. Section 39.2021, Florida Statutes, is amended
91 to read:

92 39.2021 Release of confidential information.--

93 (1) (a) Any person or organization, including the
94 ~~department of Children and Family Services~~, may petition the
95 court for an order making public the records of the department
96 ~~of Children and Family Services~~ which pertain to an
97 investigation ~~investigations~~ of alleged abuse, abandonment, or
98 neglect of a child. The court shall determine whether there is
99 good cause ~~exists~~ for public access to the records sought or a
100 portion thereof.

101 (b) In making a this determination of good cause, the
102 court shall balance the best interests of the child who is the
103 focus of the investigation and the interest of the that child's
104 siblings, together with the privacy rights of other persons
105 identified in the reports, against the public interest. The
106 public interest in access to such records is reflected in s.
107 119.01(1), and includes the need for the public ~~citizens~~ to know
108 of and adequately evaluate the actions of the department ~~of~~
109 ~~Children and Family Services~~ and the court system in providing
110 children ~~of this state~~ with the protections enumerated in s.
111 39.001. However, this subsection does not contravene s. 39.202,
112 which protects the name of any person reporting the abuse,
113 abandonment, or neglect of a child.

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114 (2) (a) In cases involving serious bodily injury to a
115 child, the department of ~~Children and Family Services~~ may
116 petition the court for an order for the immediate public release
117 of records of the department which pertain to the protective
118 investigation. The petition must be personally served upon the
119 child, the child's parent or guardian, and any person named as
120 an alleged perpetrator in the report of abuse, abandonment, or
121 neglect. The court must determine whether good cause exists for
122 the public release of the records sought no later than 24 hours,
123 excluding Saturdays, Sundays, and legal holidays, after the date
124 the department filed the petition with the court. If the court
125 does not grant or deny the petition within the 24-hour time
126 period, the department may release to the public summary
127 information including:

128 1. ~~(a)~~ A confirmation that an investigation has been
129 conducted concerning the alleged victim.

130 2. ~~(b)~~ The dates and brief description of procedural
131 activities undertaken during the department's investigation.

132 3. ~~(c)~~ The date of each judicial proceeding, a summary of
133 each participant's recommendations made at the judicial
134 proceeding, and the ruling of the court.

135 (b) The summary information shall not include the name of,
136 or other identifying information with respect to, any person
137 identified in any investigation. In making a determination to
138 release confidential information, the court shall balance the
139 best interests of the child who is the focus of the
140 investigation and the interests of that child's siblings,
141 together with the privacy rights of other persons identified in
142 the reports against the public interest for access to public
143 records. However, this subsection does not contravene s. 39.202,

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144 which protects the name of any person reporting abuse,
145 abandonment, or neglect of a child.

146 (3) If ~~When~~ the court determines that there is good cause
147 for public access ~~exists~~, the court shall direct ~~that~~ the
148 department to redact the name of, and other identifying
149 information with respect to, any person identified in the any
150 protective investigation report until ~~such time as~~ the court
151 finds that there is probable cause to believe that the person
152 identified committed an act of alleged abuse, abandonment, or
153 neglect.

154 Section 4. Section 402.115, Florida Statutes, is amended
155 to read:

156 402.115 Sharing confidential or exempt
157 information.--Notwithstanding any other provision of law to the
158 contrary, the Department of Health, the Department of Children
159 and Family Services, the Department of Juvenile Justice, and the
160 Agency for Persons with Disabilities may share confidential
161 information or information exempt from disclosure under chapter
162 119 on any individual who is or has been the subject of a
163 program within the jurisdiction of each agency. Information so
164 exchanged remains confidential or exempt as provided by law.

165 Section 5. Section 415.1071, Florida Statutes, is amended
166 to read:

167 415.1071 Release of confidential information.--

168 (1) (a) Any person or organization, including the
169 department ~~of Children and Family Services~~, may petition the
170 court for an order making public the records of the department
171 ~~of Children and Family Services~~ which pertain to an
172 investigation ~~investigations~~ of alleged abuse, neglect, or
173 exploitation of a vulnerable adult. The court shall determine

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174 whether there is good cause ~~exists~~ for public access to the
175 records sought or a portion thereof.

176 (b) In making a ~~this~~ determination of good cause, the
177 court shall balance the best interests of the vulnerable adult
178 who is the focus of the investigation together with the privacy
179 right of other persons identified in the reports, against the
180 public interest. The public interest in access to such records
181 is reflected in s. 119.01(1), and includes the need for the
182 public citizens to know of and adequately evaluate the actions
183 of the department ~~of Children and Family Services~~ and the court
184 system in providing vulnerable adults ~~of this state~~ with the
185 protections enumerated in s. 415.101. However, this subsection
186 does not contravene s. 415.107, which protects the name of any
187 person reporting the abuse, neglect, or exploitation of a
188 vulnerable adult.

189 (2) (a) In cases involving serious bodily injury to a
190 vulnerable adult, the department ~~of Children and Family Services~~
191 may petition the court for an order for the immediate public
192 release of records of the department which pertain to the
193 protective investigation. The petition must be personally served
194 upon the vulnerable adult, the vulnerable adult's legal
195 guardian, if any, and any person named as an alleged perpetrator
196 in the report of abuse, neglect, or exploitation. The court must
197 determine whether good cause exists for the public release of
198 the records sought no later than 24 hours, excluding Saturdays,
199 Sundays, and legal holidays, after the date the department filed
200 the petition with the court. If the court does not grant or deny
201 the petition within the 24-hour time period, the department may
202 release to the public summary information including:

203 1. ~~(a)~~ A confirmation that an investigation has been
204 conducted concerning the alleged victim.

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205 2.-(b) The dates and brief description of procedural
206 activities undertaken during the department's investigation.

207 3.-(e) The date of each judicial proceeding, a summary of
208 each participant's recommendations made at the judicial
209 proceeding, and the ruling of the court.

210 (b) The summary information shall not include the name of,
211 or other identifying information with respect to, any person
212 identified in any investigation. In making a determination to
213 release confidential information, the court shall balance the
214 best interests of the vulnerable adult who is the focus of the
215 investigation together with the privacy rights of other persons
216 identified in the reports against the public interest for access
217 to public records. However, this subsection does not contravene
218 s. 415.107, which protects the name of any person reporting
219 abuse, neglect, or exploitation of a vulnerable adult.

220 (3) If ~~When~~ the court determines that there is good cause
221 for public access ~~exists~~, the court shall direct ~~that~~ the
222 department to redact the name of and other identifying
223 information with respect to any person identified in the ~~any~~
224 protective investigation report until ~~such time as~~ the court
225 finds that there is probable cause to believe that the person
226 identified committed an act of alleged abuse, neglect, or
227 exploitation.

228 Section 6. This act shall take effect July 1, 2008.

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231 **T I T L E A M E N D M E N T**

232 Remove the entire title and insert:

233 A bill to be entitled

234 An act relating to access to confidential records of children;
235 creating s. 39.00145, F.S.; requiring that the case file of a

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236 child under the supervision or in the custody of the Department
237 of Children and Family Services be maintained in a complete and
238 accurate manner; specifying who has access to the case file and
239 records in the file; authorizing the court to release the
240 child's records to certain entities; providing that entities
241 that have access to confidential and exempt records about a
242 child may share it with other entities that provide services
243 benefiting children; amending s. 39.202, F.S.; specifying who
244 has access to a child's records; amending s. 39.2021, F.S.;
245 making editorial changes; amending s. 402.115, F.S.; adding the
246 Department of Juvenile Justice to the list of agencies that are
247 authorized to exchange confidential or exempt information;
248 amending s. 415.1071, F.S.; making editorial changes; providing
249 an effective date.

250