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A bill to be entitled  
 An act relating to administrative hearings; amending ss.  
 39.301 and 39.302, F.S., relating to the initiation of a  
 protective investigation following a report to the  
 Department of Children and Family Services of known or  
 suspected child abuse, abandonment, or neglect; requiring  
 that notice of a child protective investigation be given  
 to child care registration agencies; authorizing the  
 subject of a report by the department making a  
 determination of indicated abuse or verified abuse to  
 request an administrative hearing under certain  
 circumstances; providing for notice of the right to an  
 administrative hearing; requiring the subject of the  
 report to request a hearing in writing within a specified  
 period; providing certain restrictions on entering the  
 name of the subject of the report into the department's  
 statewide database or central abuse registry; 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) If the state attorney finds that prosecution of the  
 case is not justified and the department makes a determination  
 of indicated abuse or verified abuse by a subject of the report,  
 the finding constitutes a substantial interest of the subject of

29 the report and he or she may request an administrative hearing  
 30 to contest the determination under ss. 120.569 and 120.57.

31 (a) The subject of the report, or his or her authorized  
 32 representative, must be notified of the right to an  
 33 administrative hearing at the same time that the department  
 34 notifies the subject, or his or her authorized representative,  
 35 of the determination of indicated abuse or verified abuse. The  
 36 notice must be given verbally and in writing in the language of  
 37 the subject and in English.

38 (b) A request for a hearing under this subsection must be  
 39 made to the department in writing no later than 30 days after  
 40 the subject receives the notice from the department of a  
 41 determination of indicated abuse or verified abuse.

42 (c) The name of the subject of the report may not be  
 43 entered into the department's statewide database or central  
 44 abuse registry until the subject has failed to request a hearing  
 45 within the 30-day period or has unsuccessfully exhausted all  
 46 appeals, whichever occurs later.

47 Section 2. Subsection (1) of section 39.302, Florida  
 48 Statutes, is amended to read:

49 39.302 Protective investigations of institutional child  
 50 abuse, abandonment, or neglect.--

51 (1)(a) The department shall conduct a child protective  
 52 investigation of each report of institutional child abuse,  
 53 abandonment, or neglect. Upon receipt of a report that alleges  
 54 that an employee or agent of the department, or any other entity  
 55 or person covered by s. 39.01(31) or (47), acting in an official  
 56 capacity, has committed an act of child abuse, abandonment, or

57 neglect, the department shall initiate a child protective  
58 investigation within the timeframe established by the central  
59 abuse hotline under ~~pursuant to~~ s. 39.201(5) and orally notify  
60 the appropriate state attorney, law enforcement agency, and  
61 licensing or registration agency. These agencies shall  
62 immediately conduct a joint investigation, unless independent  
63 investigations are more feasible. When conducting investigations  
64 onsite or having face-to-face interviews with the child, the  
65 ~~such~~ investigation visits shall be unannounced unless it is  
66 determined by the department or its agent that the ~~such~~  
67 unannounced visits would threaten the safety of the child. When  
68 a facility is exempt from licensure or registration ~~licensing~~,  
69 the department shall inform the owner or operator of the  
70 facility of the report. Each agency conducting a joint  
71 investigation shall be entitled to full access to the  
72 information gathered by the department in the course of the  
73 investigation. A protective investigation must include an onsite  
74 visit of the child's place of residence. In all cases, the  
75 department shall make a full written report to the state  
76 attorney within 3 working days after making the oral report. A  
77 criminal investigation shall be coordinated, whenever possible,  
78 with the child protective investigation of the department. Any  
79 interested person who has information regarding the offenses  
80 described in this subsection may forward a statement to the  
81 state attorney as to whether prosecution is warranted and  
82 appropriate. Within 15 days after the completion of the  
83 investigation, the state attorney shall report the findings to  
84 the department and shall include in the ~~such~~ report a

85 determination of whether or not prosecution is justified and  
 86 appropriate in view of the circumstances of the specific case.

87 (b) If the state attorney finds that prosecution of the  
 88 case is not justified and the department makes a determination  
 89 of indicated abuse or verified abuse by a subject of the report,  
 90 the finding constitutes a substantial interest of the subject of  
 91 the report and he or she may request an administrative hearing  
 92 to contest the determination under ss. 120.569 and 120.57.

93 1. The subject of the report, or his or her authorized  
 94 representative, must be notified of the right to an  
 95 administrative hearing at the same time that the department  
 96 notifies the subject, or his or her authorized representative,  
 97 of the determination of indicated abuse or verified abuse. The  
 98 notice must be given verbally and in writing in the language of  
 99 the subject and in English.

100 2. A request for a hearing under this subsection must be  
 101 made to the department in writing no later than 30 days after  
 102 the subject receives the notice from the department of a  
 103 determination of indicated abuse or verified abuse.

104 3. The name of the subject of the report may not be  
 105 entered into the department's statewide database or central  
 106 abuse registry until the subject has failed to request a hearing  
 107 within the 30-day period or has unsuccessfully exhausted all  
 108 appeals, whichever occurs later.

109 Section 3. This act shall take effect July 1, 2005.