



259132

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2009	.	
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The Committee on Judiciary (Joyner) recommended the following:

1 **Senate Substitute for Amendment (680650) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

8 39.00145 Records concerning children.-

9 (1) The case record of every child under the supervision of
10 or in the custody of the department, the department's authorized
11 agents, or providers contracting with the department, including
12 community-based care lead agencies and their subcontracted



259132

13 providers, must be maintained in a complete and accurate manner.
14 The case record must contain, at a minimum, the child's case
15 plan required under part VIII of this chapter and the full name
16 and street address of all shelters, foster parents, group homes,
17 treatment facilities, or locations where the child has been
18 placed.

19 (2) Notwithstanding any other provision of this chapter,
20 all records in a child's case record must be made available for
21 inspection, upon request, to the child who is the subject of the
22 case record and to the child's caregiver, guardian ad litem, or
23 attorney.

24 (a) A complete and accurate copy of any record in a child's
25 case record must be provided, upon request and at no cost, to
26 the child who is the subject of the case record and to the
27 child's caregiver, guardian ad litem, or attorney.

28 (b) The department shall release the information in a
29 manner and setting that are appropriate to the age and maturity
30 of the child and the nature of the information being released,
31 which may include the release of information in a therapeutic
32 setting, if appropriate. This paragraph does not deny the child
33 access to his or her records.

34 (c) If a child or the child's caregiver, guardian ad litem,
35 or attorney requests access to the child's case record, any
36 person or entity that fails to provide any record in the case
37 record under assertion of a claim of exemption from the public-
38 records requirements of chapter 119, or fails to provide access
39 within a reasonable time, is subject to sanctions and penalties
40 under s. 119.10.

41 (3) If a court determines that sharing information in the



259132

42 child's case record is necessary to ensure access to appropriate
43 services for the child or for the safety of the child, the court
44 may approve the release of confidential records or information
45 contained in them.

46 (4) Notwithstanding any other provision of law, all state
47 and local agencies and programs that provide services to
48 children or that are responsible for a child's safety, including
49 the Department of Juvenile Justice, the Department of Health,
50 the Agency for Health Care Administration, the Agency for
51 Persons with Disabilities, the Department of Education, the
52 Department of Revenue, the school districts, the Statewide
53 Guardian Ad Litem Office, and any provider contracting with such
54 agencies, may share with each other confidential records or
55 information that are confidential or exempt from disclosure
56 under chapter 119 if the records or information are reasonably
57 necessary to ensure access to appropriate services for the
58 child, including child support enforcement services, or for the
59 safety of the child. However:

60 (a) Records or information made confidential by federal law
61 may not be shared.

62 (b) This subsection does not apply to information
63 concerning clients and records of certified domestic violence
64 centers, which are confidential under s. 39.908 and privileged
65 under s. 90.5036.

66 Section 2. Paragraph (r) is added to subsection(2) of
67 section 39.202, Florida Statutes, and subsection (7) of that
68 section is amended, to read:

69 39.202 Confidentiality of reports and records in cases of
70 child abuse or neglect.-



259132

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

75 (r) Persons with whom the department is seeking to place
76 the child or to whom placement has been granted, including
77 foster parents for whom an approved home study has been
78 conducted, the designee of a licensed residential group home
79 described in s. 39.523, an approved relative or nonrelative with
80 whom a child is placed pursuant to s. 39.402, preadoptive
81 parents for whom a favorable preliminary adoptive home study has
82 been conducted, adoptive parents, or an adoption entity acting
83 on behalf of preadoptive or adoptive parents.

84 (7) The department shall make and keep reports and records
85 of all cases under this chapter ~~relating to child abuse,~~
86 ~~abandonment, and neglect~~ and shall preserve the records
87 pertaining to a child and family ~~until 7 years after the last~~
88 ~~entry was made or~~ until the child who is the subject of the
89 record is 30 is 18 years of age, ~~whichever date is first~~
90 ~~reached,~~ and may then destroy the records. ~~Department records~~
91 ~~required by this chapter relating to child abuse, abandonment,~~
92 ~~and neglect may be inspected only upon order of the court or as~~
93 ~~provided for in this section.~~

94 (a) Within 90 days after the child leaves the department's
95 custody, the department shall give a notice to the person having
96 legal custody of the child, or to the young adult who was in the
97 department's custody, which specifies how the records may be
98 obtained.

99 (b) The department may adopt rules regarding the format,



259132

100 storage, retrieval, and release of such records.

101 Section 3. This act shall take effect July 1, 2009.

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103
104 ===== T I T L E A M E N D M E N T =====

105 And the title is amended as follows:

106 Delete everything before the enacting clause
107 and insert:

108 A bill to be entitled

109 An act relating to the confidential records of
110 children; creating s. 39.00145, F.S.; requiring that
111 the case record of a child under the supervision or in
112 the custody of the Department of Children and Family
113 Services be maintained in a complete and accurate
114 manner; specifying who has access to the case record;
115 authorizing the court to directly release the child's
116 records to certain entities; providing that entities
117 that have access to confidential information
118 concerning a child may share it with other entities
119 that provide services benefiting children; providing
120 for exceptions for the sharing of confidential
121 information under certain circumstances; amending s.
122 39.202, F.S.; expanding the list of persons or
123 entities that have access to child abuse records;
124 revising how long the department must keep such
125 records; requiring the department to provide notice
126 how the child's records may be obtained after the
127 child leaves the department's custody; authorizing the
128 department to adopt rules; providing an effective



259132

129

date.