

By the Committee on Children, Families, and Elder Affairs; and
Senators Dockery, Bennett, Lynn, and Bullard

586-03454-09

2009126c1

1 A bill to be entitled
2 An act relating to the confidential records of
3 children; creating s. 39.00145, F.S.; requiring that
4 the case file of a child under the supervision or in
5 the custody of the Department of Children and Family
6 Services be maintained in a complete and accurate
7 manner; specifying who has access to the case file and
8 records in the file; authorizing the court to directly
9 release the child's records to certain entities;
10 providing that entities that have access to
11 confidential information concerning a child may share
12 it with other entities that provide services
13 benefiting children; providing for exceptions for the
14 sharing of confidential information under certain
15 circumstances; amending s. 39.202, F.S.; expanding the
16 list of persons or entities that have access to child
17 abuse records; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 39.00145, Florida Statutes, is created
22 to read:

23 39.00145 Records concerning children.—

24 (1) The case record of every child under the supervision of
25 or in the custody of the department, the department's authorized
26 agents, or providers contracting with the department, including
27 community-based care lead agencies and their subcontracted
28 providers, must be maintained in a complete and accurate manner.
29 The case record must contain, at a minimum, the child's case

586-03454-09

2009126c1

30 plan required under part VIII of this chapter and the full name
31 and street address of all shelters, foster parents, group homes,
32 treatment facilities, or locations where the child is placed.

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

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

42 (b) The department shall release the information in a
43 manner and setting that are appropriate to the age and maturity
44 of the child and the nature of the information being released,
45 which may include the release of such information in a
46 therapeutic setting, if appropriate. This paragraph does not
47 deny the child access to his or her records.

48 (3) If a court determines that sharing information in the
49 child's case record is necessary to ensure access to appropriate
50 services for the child or for the safety of the child, the court
51 may approve the release of confidential records or information
52 contained in them.

53 (4) Notwithstanding any other provision of law, all state
54 and local agencies and programs that provide services to
55 children or that are responsible for a child's safety, including
56 the Department of Juvenile Justice, the Department of Health,
57 the Agency for Health Care Administration, the Agency for
58 Persons with Disabilities, the Department of Education, the

586-03454-09

2009126c1

59 school districts, the Statewide Guardian Ad Litem Office, and
60 any provider contracting with such agencies, may share with each
61 other confidential records or information that are confidential
62 or exempt from disclosure under chapter 119 if the records or
63 information are reasonably necessary to ensure access to
64 appropriate services for the child or for the safety of the
65 child. However:

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

68 (b) This subsection does not apply to information
69 concerning clients and records of certified domestic violence
70 centers, which are confidential under s. 39.908 and privileged
71 under s. 90.5036.

72 Section 2. Paragraph (r) is added to subsection(2) of
73 section 39.202, Florida Statutes, to read:

74 39.202 Confidentiality of reports and records in cases of
75 child abuse or neglect.—

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

80 (r) Persons with whom the department is seeking to place
81 the child or to whom placement has been granted, including
82 foster parents for whom an approved home study has been
83 conducted, the designee of a licensed residential group home
84 described in s. 39.523, an approved relative or nonrelative with
85 whom a child is placed pursuant to s. 39.402(4), preadoptive
86 parents for whom a favorable preliminary adoptive home study has
87 been conducted, adoptive parents, or an adoption entity acting

586-03454-09

2009126c1

88 on behalf of preadoptive or adoptive parents.

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