

Department's proposal to amend section 39.202

Add the following to proposed section 39.202(2):

(m) Persons with whom the department is seeking to place the child or with whom placement has been granted, including, but not limited to, foster parents for whom an approved home study has been conducted; the designee of a licensed residential group home s. 39.523; an approved relative or nonrelative placement pursuant to 39.402(4); or preadoptive parents for whom a favorable preliminary adoptive home study has been conducted, adoptive parents, or an adoption entity acting on behalf of preadoptive parents or adoptive parents.

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

39.00145 Child records.--

(1) The case file of every child under the supervision of or in the custody of the department, the department's authorized agents, or contract providers for the department, including community-based care lead agencies and their subcontracted providers must be maintained in a complete and accurate manner, including, but not limited to, the child's case plan required by part VIII of this chapter, and the full name and street address of any and all shelters, foster parents, group homes, treatment facilities, or locations where the child is placed. The child shall be provided with a complete and accurate copy of his or her entire case file, at no cost, upon the request of the child or the child's caregiver, guardian ad litem, or attorney on behalf of the child.

(2) Notwithstanding any other provision in this chapter, the records in the case file shall be made available for review upon request of the child or the child's caregiver, guardian ad litem, or attorney, at no cost. A request by the child's attorney or guardian ad litem must be submitted in writing.

(a) Release of records in the case file to the child, or the child's caregiver, guardian ad litem, or attorney, does not waive the confidential status of the information contained in the records.

(b) If a child, or the child's caregiver, attorney, or guardian ad litem, requests access to the child's case file, any person who fails to provide records in the case file under assertion of a claim of an exemption from the public-records requirements of chapter 119, or who fails to provide access within a reasonable time, is subject to sanctions and penalties under s. 119.10.