

Brief Overview of Changes from the 2009 Legislative Session

Bill number	Summary
<p>SB 126 Sen. Dockery HB 1439 Rep. Nehr</p>	<p>This bill creates section 39.00145, Records concerning children. It requires DCF to keep children's records in a complete and accurate manner and clarifies a child, a child's GAL and a child's attorney can view the child's records and get a copy when requested. Failure to provide access is subject to penalties and fines under Chapter 119. The bill also provides for sharing of confidential information between state and local agencies if the information is essential to ensuring the child has access to services needed. Additionally, the bill provides the court can release confidential information in a case record if it is essential to ensure access to needed services for the child.</p> <p>Changes to section 39.202(2) allow information to be shared with "persons with whom the department is seeking to place the child or to whom placement has been granted." Section 39.202 is also amended to require DCF to keep records of its cases until the child in the case is 30. Within 90 days of the child's release from the custody or supervision of the department, DCF must give the child's caregiver or the young adult formerly in DCF custody notice of how to obtain such records.</p>
<p>HB 381 Rep. Thompson SB 1276 Sen. Storms</p>	<p>HB 381, the Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act, ensures relatives who so request will be provided notice of all proceedings and hearings. Section 39.6011 is amended requiring the case plan to describe the case manager's duty to forward a relative's request to receive such notification to the DCF attorney. A new subsection is added to section 39.202(2) to enable physicians and mental health care professionals treating children to access their confidential information. The bill also requires caseworkers to contact relatives if parents refuse voluntary services.</p> <p>The bill contains the provisions regarding records of children in foster care passed in SB 126.</p>
<p>SB 1128 Senator Rich HB 783 Rep. Kelly</p>	<p>The bill defines surrogate parent and outlines the procedure for appointment. Section 39.0016 is amended to provide that dependency courts and district school board superintendents both have the responsibility for appointing surrogate parents for children known to DCF who have or are suspected of having a disability when (either) no parent can be located or a court has determined no person has the authority, willingness, or ability to serve as the child's educational decisionmaker. The duties and qualifications for surrogate parents are defined, including a requirement that the individual complete training using materials approved by the Department of Education.</p>

<p>SB 1128 HB 783 <i>continued</i></p>	<p>Section 39.402 is revised to require the court to ask that parents consent to provide access to the child's medical and educational records and provide that information to the court, DCF (CBCs), the GAL and any attorney for the child. If the parent is unavailable or does not consent and the court determines access to the information is necessary, the court shall issue an order granting access. The provision is also amended to give the court authority to appoint a surrogate parent.</p> <p>Section 39.701 is amended to require the court to determine who holds the rights to make educational decisions for the child. Further, the court must determine whether the placement of the child takes into account the appropriateness of the current educational setting and the proximity to the child's school, and whether the CBC has coordinated with local educational agencies to ensure the child remains in the school where he or she was enrolled at the time of placement.</p> <p>Revisions to section 1003.21 add "children known to the department" to the definition of "homeless children". This change allows these children to have a temporary exemption (30 school days) to be admitted to school without evidence of the child's age or a certification of a school entry health examination.</p>
<p>HB 1409 Rep. Sands SB 2240 Senator Rich</p>	<p>The bill enables Florida to enact the Interstate Compact for the Placement of Children which updates safeguards to ensure that children placed across state lines are safe and in a suitable environment.</p> <ul style="list-style-type: none"> • Describes the purposes of the compact • Provides definitions • Prescribes the applicability of the compact • Prescribes the jurisdiction of the sending and receiving states • Describes the process for placement evaluations • Delineates placement authority and responsibilities of child-placing agencies • Establishes the Interstate Commission for the Placement of Children • Provides information about the effective date of the compact • Describes the process for withdrawal from and dissolution of the compact • Provides for severability, liberal construction, and binding effect of compact • Makes particular provisions for application of the compact to Indian tribes.