



# Florida

## Codified Law Review Information Sharing Initiative

August 2011

<b>Title XLVII Criminal Procedure &amp; Corrections (Ch. 985). Juvenile Justice; Part II. Records &amp; Information. Selected sections.</b> Title XLVII, §985 may be accessed at: <a href="http://www.flsenate.gov/Laws/Statutes/2010/Title47/#Title47">http://www.flsenate.gov/Laws/Statutes/2010/Title47/#Title47</a>		
Oaths; records; confidential information	§ 985.04(1) and (2)	<p><u>(1) Except as provided in subsections (2), (3), (6), and (7) and s. 943.053, all information obtained under this chapter in the discharge of official duty by any judge, any employee of the court, any authorized agent of the department, the Parole Commission, the Department of Corrections, the juvenile justice circuit boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the department and its designees, the Department of Corrections, the Parole Commission, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this chapter to receive that information, or upon order of the court. Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel.</u> Such agreement shall require notification to any classroom teacher of assignment to the teacher's classroom of a juvenile who has been placed in a probation or commitment program for a felony offense. The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law.</p> <p>(2) Notwithstanding any other provisions of this chapter, the name, photograph, address, and crime or arrest report of a child:</p> <p>(a) Taken into custody if the child has been taken into custody by a law enforcement officer for a violation of law which, if committed by an</p>

\* \* Provisions interpreted to PROHIBIT information sharing are underlined; Provisions interpreted to PERMIT information sharing are in *italics* and are noted in blue font.

<p>Oaths; records; confidential information (cont)</p>	<p>§985.04(3) and (7)</p>	<p>adult, would be a felony;          (b) Found by a court to have committed three or more violations of law which, if committed by an adult, would be misdemeanors;          (c) Transferred to the adult system under s. 985.557, indicted under s. 985.56, or waived under s. 985.556;          (d) Taken into custody by a law enforcement officer for a violation of law subject to s. 985.557(2)(b) or (d); or          (e) Transferred to the adult system but sentenced to the juvenile system under s. 985.565 shall not be considered confidential and exempt from s. 119.07(1) solely because of the child's age.          (3) A law enforcement agency may release a copy of the juvenile offense report to the victim of the offense. However, information gained by the victim under this chapter, including the next of kin of a homicide victim, regarding any case handled in juvenile court, must not be revealed to any outside party, except as is reasonably necessary in pursuit of legal remedies.          (6) (a) Records maintained by the department, including copies of records maintained by the court, which pertain to a child found to have committed a delinquent act which, if committed by an adult, would be a crime specified in s. 435.04 may not be destroyed under this section for 25 years after the youth's final referral to the department, except in cases of the death of the child. Such records, however, shall be sealed by the court for use only in meeting the screening requirements for personnel in s. 402.3055 and the other sections cited above, or under departmental rule; however, current criminal history information must be obtained from the Department of Law Enforcement in accordance with s. 943.053. The information shall be released to those persons specified in the above cited sections for the purposes of complying with those sections. The court may punish by contempt any person who releases or uses the records for any unauthorized purpose.          (b) Sexual offender and predator registration information as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481, and 985.4815 is a public record pursuant to s. 119.07(1) and as otherwise provided by law.          (7) (a) <u>Records in the custody of the department regarding children are not open to inspection by the public. Such records may be inspected only upon order of the Secretary of Juvenile Justice or his or her authorized agent by persons who have sufficient reason and upon such conditions for their use</u></p>
--	---------------------------	---

<p>Oaths; records; confidential information (cont)</p>	<p>§985.04(7) and (8)</p>	<p><i>and disposition as the secretary or his or her authorized agent deems proper. The information in such records may be disclosed only to other employees of the department who have a need therefore in order to perform their official duties; to other persons as authorized by rule of the department; and, upon request, to the Department of Corrections. The secretary or his or her authorized agent may permit properly qualified persons to inspect and make abstracts from records for statistical purposes under whatever conditions upon their use and disposition the secretary or his or her authorized agent deems proper, provided adequate assurances are given that children's names and other identifying information will not be disclosed by the applicant.</i></p> <p>(b) The destruction of records pertaining to children committed to or supervised by the department pursuant to a court order, which records are retained until a child reaches the age of 24 years or until a serious or habitual delinquent child reaches the age of 26 years, shall be subject to chapter 943.</p> <p><u>(8) Criminal history information made available to governmental agencies by the Department of Law Enforcement or other criminal justice agencies shall not be used for any purpose other than that specified in the provision authorizing the releases.</u></p>
<p>Court records</p>	<p>§ 985.045(1) and (2)</p>	<p>(1) The clerk of the court shall make and keep records of all cases brought before it under this chapter. The court shall preserve the records pertaining to a child charged with committing a delinquent act or violation of law until the child reaches 24 years of age or reaches 26 years of age if he or she is a serious or habitual delinquent child, until 5 years after the last entry was made, or until 3 years after the death of the child, whichever is earlier, and may then destroy them, except that records made of traffic offenses in which there is no allegation of delinquency may be destroyed as soon as this can be reasonably accomplished. The court shall make official records of all petitions and orders filed in a case arising under this chapter and of any other pleadings, certificates, proofs of publication, summonses, warrants, and writs that are filed pursuant to the case.</p> <p>(2) The clerk shall keep all official records required by this section separate from other records of the circuit court, except those records pertaining to motor vehicle violations, which shall be forwarded to the Department of</p>

Court records (cont)	§ 985.045(2)	Highway Safety and Motor Vehicles. <u>Except as provided in ss. 943.053 and 985.04(6)(b) and (7), official records required by this chapter are not open to inspection by the public, but may be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents, guardians, or legal custodians of the child and their attorneys, law enforcement agencies, the Department of Juvenile Justice and its designees, the Parole Commission, the Department of Corrections, and the Justice Administrative Commission shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect, and make abstracts from, official records under whatever conditions upon the use and disposition of such records the court may deem proper and may punish by contempt proceedings any violation of those conditions.</u>
Statewide information-sharing system; interagency workgroup	§ 985.046(1) and (2)	<p>(1) <i>The Department of Education, the Department of Juvenile Justice, and the Department of Law Enforcement shall create an information-sharing workgroup for the purpose of developing and implementing a workable statewide system of sharing information among school districts, state and local law enforcement agencies, providers, the Department of Juvenile Justice, and the Department of Education. The system shall build on processes previously authorized in statute and on any revisions to federal statutes on confidentiality. The information to be shared shall focus on youth who are involved in the juvenile justice system, youth who have been tried as adults and found guilty of felonies, and students who have been serious discipline problems in schools. The participating agencies shall implement improvements that maximize the sharing of information within applicable state and federal statutes and rules and that utilize statewide databases and data delivery systems to streamline access to the information needed to provide joint services to disruptive, violent, and delinquent youth.</i></p> <p>(2) The interagency workgroup shall be coordinated through the Department of Education and shall include representatives from the state agencies specified in subsection (1), school superintendents, school district information system directors, principals, teachers, juvenile court judges, police chiefs, county sheriffs, clerks of the circuit court, the Department of Children and Family Services, providers of juvenile services including a provider from a juvenile substance abuse program, and circuit juvenile</p>

		justice managers.
Pre-sentence investigation reports	§ 948.015	The circuit court, when the defendant in a criminal case has been found guilty or has entered a plea of nolo contendere or guilty and has a lowest permissible sentence under the Criminal Punishment Code of any non-state prison sanction, may refer the case to the department for investigation or recommendation. Upon such referral, the department shall make the following report in writing at a time specified by the court prior to sentencing. The full report shall include information detailed in subsections 2-16 of § 948.015.
<b>Title V - Judicial Branch. Chapter 39 – Proceedings Relating to Children</b>		
Title V, Chapter 39 may be accessed at: <a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Index&amp;Title_Request=V#TitleV">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Index&amp;Title_Request=V#TitleV</a>		
Records concerning children	§39.00145 (1), (2) & (4)	<p>(1) The case record of every child under the supervision of or in the custody of the department, the department’s authorized agents, or providers contracting with the department, including community-based care lead agencies and their subcontracted providers, must be maintained in a complete and accurate manner. The case record must contain, at a minimum, the child’s case plan required under part VIII of this chapter and the full name and street address of all shelters, foster parents, group homes, treatment facilities, or locations where the child has been placed.</p> <p><i>(2) Notwithstanding any other provision of this chapter, all records in a child’s case record must be made available for inspection, upon request, to the child who is the subject of the case record and to the child’s caregiver, guardian ad litem, or attorney.</i></p> <p><i>(4) Notwithstanding any other provision of law, all state and local agencies and programs that provide services to children or that are responsible for a child’s safety, including the Department of Juvenile Justice, the Department of Health, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Education, the Department of Revenue, the school districts, the Statewide Guardian Ad Litem Office, and any provider contracting with such agencies, may share with each other confidential records or information that are confidential or exempt from disclosure under chapter 119 if the records or information are reasonably necessary to ensure access to appropriate services for the child, including child support enforcement services, or for the safety of the child. However:</i></p>

Records concerning children (cont)	§39.00145 (1), (2) & (4)	<p>(a) <u>Records or information made confidential by federal law may not be shared.</u></p> <p>(b) This subsection does not apply to information concerning clients and records of certified domestic violence centers, which are confidential under s. <u>39.908</u> and privileged under s. <u>90.5036</u>.</p>
Oaths, records, & confidential information.	§39.0132(1), (2), (3) and (4)	<p>(1) The judge, clerks or deputy clerks, or authorized agents of the department shall each have the power to administer oaths and affirmations.</p> <p>(2) The court shall make and keep records of all cases brought before it pursuant to this chapter and shall preserve the records pertaining to a dependent child until 7 years after the last entry was made, or until the child is 18 years of age, whichever date is first reached, and may then destroy them, except that records of cases where orders were entered permanently depriving a parent of the custody of a juvenile shall be preserved permanently. The court shall make official records, consisting of all petitions and orders filed in a case arising pursuant to this chapter and any other pleadings, certificates, proofs of publication, summonses, warrants, and other writs which may be filed therein.</p> <p>(3) The clerk shall keep all court records required by this chapter separate from other records of the circuit court. <u>All court records required by this chapter shall not be open to inspection by the public.</u> All records shall be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that, <i>subject to the provisions of s. <u>63.162</u>, a child and the parents of the child and their attorneys, guardian ad litem, law enforcement agencies, and the department and its designees shall always have the right to inspect and copy any official record pertaining to the child.</i> The Justice Administrative Commission may inspect court dockets required by this chapter as necessary to audit compensation of court-appointed attorneys. If the docket is insufficient for purposes of the audit, the commission may petition the court for additional documentation as necessary and appropriate. <i>The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records, under whatever conditions upon their use and disposition the court may deem proper, and may punish by contempt proceedings any violation of those conditions.</i></p>

Oaths, records, & confidential information. (cont)	§39.0132(4)	(4)(a)1. <u>All information obtained pursuant to this part in the discharge of official duty by any judge, employee of the court, authorized agent of the department, correctional probation officer, or law enforcement agent is confidential and exempt from s. 119.07(1) and may not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, correctional probation officers, law enforcement agents, guardian ad litem, and others entitled under this chapter to receive that information, except upon order of the court.</u>
Confidentiality of reports and records in cases of child abuse or neglect.	§39.202(1)	<p>(1) <u>In order to protect the rights of the child and the child’s parents or other persons responsible for the child’s welfare, all records held by the department concerning reports of child abandonment, abuse, or neglect, including reports made to the central abuse hotline and all records generated as a result of such reports, shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed except as specifically authorized by this chapter. Exemption from s. 119.07(1) applies to info. in the possession of those entities granted access as set forth in this section.</u></p> <p>(2) Except as provided in subsection (4), access to such records, excluding the name of the reporter which shall be released only as provided in subsection (5), shall be granted only to the following persons, officials, and agencies:</p> <p>(a) Employees, authorized agents, or contract providers of the department, the Department of Health, the Agency for Persons with Disabilities, or county agencies responsible for carrying out:</p> <ol style="list-style-type: none"> <li>1. Child or adult protective investigations;</li> <li>2. Ongoing child or adult protective services;</li> <li>3. Early intervention and prevention services;</li> <li>4. Healthy Start services;</li> <li>5. Licensure or approval of adoptive homes, foster homes, child care facilities, facilities licensed under chapter 393, or family day care homes or informal child care providers who receive school readiness funding, or other homes used to provide for the care and welfare of children; or</li> <li>6. Services for victims of domestic violence when provided by certified domestic violence centers working at the department’s request as case consultants or with shared clients.</li> </ol>



<p>Confidentiality of reports and records in cases of child abuse or neglect. (cont)</p>	<p>§39.202(1), (2)(a), (i), and (p), (3) and (5)</p>	<p><i>Also, employees or agents of the Department of Juvenile Justice responsible for the provision of services to children, pursuant to chapters 984 and 985.</i></p> <p><i>(i) Any person authorized by the department who is engaged in the use of such records or information for bona fide research, statistical, or audit purposes. Such individual or entity shall enter into a privacy and security agreement with the department and shall comply with all laws and rules governing the use of such records and information for research and statistical purposes. <u>Information identifying the subjects of such records or information shall be treated as confidential by the researcher and shall not be released in any form.</u></i></p> <p><i>(p) An employee of the local school district who is designated as a liaison between the school district and the department pursuant to an interagency agreement required under s. 39.0016 and the principal of a public school, private school, or charter school where the child is a student. Information contained in the records which the liaison or the principal determines are necessary for a school employee to effectively provide a student with educational services may be released to that employee.</i></p> <p><i>(3) The department may release to professional persons such information as is necessary for the diagnosis and treatment of the child or the person perpetrating the abuse or neglect.</i></p> <p>The good faith publication or release of this information by the department, a law enforcement agency, or any recipient of the information as specifically authorized by this subsection shall not subject the person, agency or entity releasing the information to any civil or criminal penalty. This subsection does not authorize the release of the name of the reporter, which may be released only as provided in subsection (5).</p> <p><u>(5) The name of any person reporting child abuse, abandonment, or neglect may not be released to any person other than employees of the department responsible for child protective services, the central abuse hotline, law enforcement, the child protection team, or the appropriate state attorney,</u></p>
--	--	---

Confidentiality of reports and records in cases of child abuse or neglect. (cont)	§39.202(2)(p); (5), and (6)	<p><u>without the written consent of the person reporting.</u> This does not prohibit the subpoenaing of a person reporting child abuse, abandonment, or neglect when deemed necessary by the court, the state attorney, or the department, provided the fact that such person made the report is not disclosed. Any person who reports a case of child abuse or neglect may, at the time he or she makes the report, request that the department notify him or her that a child protective investigation occurred as a result of the report. Any person specifically listed in s. <u>39.201(1)</u> who makes a report in his or her official capacity may also request a written summary of the outcome of the investigation. The department shall mail such a notice to the reporter within 10 days after completing the child protective investigation.</p> <p><u>(6) All records and reports of the child protection team of the Department of Health are confidential and exempt from the provisions of ss. 119.07(1) and 456.057, and shall not be disclosed, except, upon request, to the state attorney, law enforcement, the department, and necessary professionals, in furtherance of the treatment or additional evaluative needs of the child, by order of the court, or to health plan payors.</u></p>
Release of confidential information.	§39.2021	<p><i>(1) Any person or organization, including the Department of Children and Family Services, may petition the court for an order making public the records of the Department of Children and Family Services which pertain to investigations of alleged abuse, abandonment, or neglect of a child. The court shall determine whether good cause exists for public access to the records sought or a portion thereof. In making this determination, the court shall balance the best interests of the child who is the focus of the investigation and the interest of that child’s siblings, together with the privacy rights of other persons identified in the reports, against the public interest.</i></p>
Penalties relating to reporting of child abuse, abandonment, or neglect.	§39.205(3)	<p><u>(3) A person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse hotline or in the records of any child abuse, abandonment, or neglect case, except as provided in this chapter, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.</u></p>
Title X. Chapter 119. Inspection and copying of records.	§119.07(1)(a)	<p><i>(1)(a) Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of</i></p>

<p>Title X. Chapter 119. Inspection and copying of records (cont).</p>	<p>§119.07(1)(b-g) and (2)(c &amp; h)</p>	<p><i>the public records.</i></p> <p>(b) A custodian of public records or a person having custody of public records may designate another officer or employee of the agency to permit the inspection and copying of public records, but must disclose the identity of the designee to the person requesting to inspect or copy public records.</p> <p>(c) A custodian of public records and his or her designee must acknowledge requests to inspect or copy records promptly and respond to such requests in good faith. A good faith response includes making reasonable efforts to determine from other officers or employees within the agency whether such a record exists and, if so, the location at which the record can be accessed.</p> <p>(d) A person who has custody of a public record who asserts that an exemption applies to a part of such record shall redact that portion of the record to which an exemption has been asserted and validly applies, and such person shall produce the remainder of such record for inspection and copying.</p> <p>(e) If the person who has custody of a public record contends that all or part of the record is exempt from inspection and copying, he or she shall state the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute.</p> <p>(f) If requested by the person seeking to inspect or copy the record, the custodian of public records shall state in writing and with particularity the reasons for the conclusion that the record is exempt or confidential.</p> <p>(g) In any civil action in which an exemption to this section is asserted, if the exemption is alleged to exist under or by virtue of s. <b>119.071</b>(1)(d) or (f), (2)(d),(e), or (f), or (4)(c), the public record or part thereof in question shall be submitted to the court for an inspection in camera. If an exemption is alleged to exist under or by virtue of s. <b>119.071</b>(2)(c), an inspection in camera is discretionary with the court. If the court finds that the asserted exemption is not applicable, it shall order the public record or part thereof in question to be immediately produced for inspection or copying as requested by the person seeking such access.</p> <p>(h) Even if an assertion is made by the custodian of public records that a requested record is not a public record subject to public inspection or copying under this subsection, the requested record shall, nevertheless, not be disposed of for a period of 30 days after the date on which a written</p>
--	---	---

<p>Title X. Chapter 119. Inspection and copying of records (cont).</p>	<p>§119.07 (2)(H) and (i)</p>	<p>request to inspect or copy the record was served on or otherwise made to the custodian of public records by the person seeking access to the record. If a civil action is instituted within the 30-day period to enforce the provisions of this section with respect to the requested record, the custodian of public records may not dispose of the record except by order of a court of competent jurisdiction after notice to all affected parties.</p> <p>(i) The absence of a civil action instituted for the purpose stated in paragraph (g) does not relieve the custodian of public records of the duty to maintain the record as a public record if the record is in fact a public record subject to public inspection and copying under this subsection and does not otherwise excuse or exonerate the custodian of public records from any unauthorized or unlawful disposition of such record.</p>
<p>Minors; access to outpatient crisis intervention services and treatment.</p>	<p>Chapter 394 - §4784(1)</p>	<p>For the purposes of this section, the disability of nonage is removed for any minor age 13 years or older to access services under the following circumstances:</p> <p>(1) Outpatient Diagnostic &amp; Evaluation Services.</p> <p>When any minor age 13 years or older experiences an emotional crisis to such degree that he or she perceives the need for professional assistance, he or she shall have the right to request, consent to, and receive mental health diagnostic and evaluative services provided by a licensed mental health professional, as defined by Florida Statutes, or in a mental health facility licensed by the state. The purpose of such services shall be to determine the severity of the problem and the potential for harm to the person or others if further professional services are not provided. Outpatient diagnostic and evaluative services shall not include medication and other somatic methods, aversive stimuli, or substantial deprivation. Such services shall not exceed two visits during any 1-week period in response to a crisis situation before parental consent is required for further services, and may include parental participation when determined to be appropriate by the mental health professional or facility.</p>
<p>Sexually Transmitted diseases – consent.</p>	<p>Chapter 384.30</p>	<p>(1)The department and its authorized representatives, each physician licensed to practice medicine under the provisions of chapter 458 or chapter 459, each health care professional licensed under the provisions of part I of chapter 464 who is acting pursuant to the scope of his or her license, and each public or private hospital, clinic, or other health facility may examine and provide treatment for sexually transmissible diseases to any minor, if</p>

Sexually Transmitted diseases – consent (cont'd)	Chapter 384.30	<p>the physician, health care professional, or facility is qualified to provide such treatment. The consent of the parents or guardians of a minor is not a prerequisite for an examination or treatment.</p> <p>(2)The fact of consultation, examination, and treatment of a minor for a sexually transmissible disease is confidential and exempt from the provisions of s. <u>119.07(1)</u> and shall not be divulged in any direct or indirect manner, such as sending a bill for services rendered to a parent or guardian, except as provided in s. <u>384.29</u>.</p>
Ownership and control of patient records; report or copies of records to be furnished.	Chapter 456. §057	<p>Ownership and control of patient records; report or copies of records to be furnished.—</p> <p>(1)As used in this section, the term “records owner” means any health care practitioner who generates a medical record after making a physical or mental examination of, or administering treatment or dispensing legend drugs to, any person; any health care practitioner to whom records are transferred by a previous records owner; or any health care practitioner’s employer, including, but not limited to, group practices and staff-model health maintenance organizations, provided the employment contract or agreement between the employer and the health care practitioner designates the employer as the records owner.</p>
Rights of Confidentiality for clients – Substance Abuse records	§397.501(7)(e)(1)	<p>Clients receiving substance abuse services from any service provider are guaranteed protection of the rights specified in this section, unless otherwise expressly provided, and service providers must ensure the protection of such rights.</p> <p>(7)(e)1. Since a minor acting alone has the legal capacity to voluntarily apply for and obtain substance abuse treatment, any written consent for disclosure may be given only by the minor client. This restriction includes, but is not limited to, any disclosure of client identifying information to the parent, legal guardian, or custodian of a minor client for the purpose of obtaining financial reimbursement.</p>
Case plan development.	§39.6011(1) and (8)	<p>(1)The department shall prepare a draft of the case plan for each child receiving services under this chapter. A parent of a child may not be threatened or coerced with the loss of custody or parental rights for failing to admit in the case plan of abusing, neglecting, or abandoning a child. Participating in the development of a case plan is not an admission to any allegation of abuse, abandonment, or neglect, and it is not a consent to a finding of dependency or termination of parental rights.</p>

Case plan development.	§39.6011(1) and (8)	(8) <i>The case plan must describe a process for making available to all physical custodians and family services counselors the information required by s. <a href="#">39.6012(2)</a> and for ensuring that this information follows the child until permanency has been achieved.</i>
Case plan tasks; services.	§39.6012(1-3)	<p><b>(1)</b> The services to be provided to the parent and the tasks that must be completed are subject to the following:</p> <p>(a) The services described in the case plan must be designed to improve the conditions in the home and aid in maintaining the child in the home, facilitate the child’s safe return to the home, ensure proper care of the child, or facilitate the child’s permanent placement. The services offered must be the least intrusive possible into the life of the parent and child, must focus on clearly defined objectives, and must provide the most efficient path to quick reunification or permanent placement given the circumstances of the case and the child’s need for safe and proper care.</p> <p>(b) The case plan must describe each of the tasks with which the parent must comply and the services to be provided to the parent, specifically addressing the identified problem, including:</p> <ol style="list-style-type: none"> <li>1. The type of services or treatment.</li> <li>2. The date the department will provide each service or referral for the service if the service is being provided by the department or its agent.</li> <li>3. The date by which the parent must complete each task.</li> <li>4. The frequency of services or treatment provided. The frequency of the delivery of services or treatment provided shall be determined by the professionals providing the services or treatment on a case-by-case basis and adjusted according to their best professional judgment.</li> <li>5. The location of the delivery of the services.</li> <li>6. The staff of the department or service provider accountable for the services or treatment.</li> <li>7. A description of the measurable objectives, including the timeframes specified for achieving the objectives of the case plan and addressing the identified problem.</li> </ol> <p><b>(2)</b> The case plan must include all available information that is relevant to</p>

Case plan tasks; services	§39.6012(2-3)	<p>the child’s care including, at a minimum:</p> <p>(a)A description of the identified needs of the child while in care.</p> <p>(b)A description of the plan for ensuring that the child receives safe and proper care and that services are provided to the child in order to address the child’s needs. To the extent available and accessible, the following health, mental health, and education information and records of the child must be attached to the case plan and updated throughout the judicial review process:</p> <ol style="list-style-type: none"> <li>1.The names and addresses of the child’s health, mental health, and educational providers;</li> <li>2.The child’s grade level performance;</li> <li>3.The child’s school record;</li> <li>4.Assurances that the child’s placement takes into account proximity to the school in which the child is enrolled at the time of placement;</li> <li>5.A record of the child’s immunizations;</li> <li>6.The child’s known medical history, including any known problems;</li> <li>7.The child’s medications, if any; and</li> <li>8.Any other relevant health, mental health, and education information concerning the child.</li> </ol> <p><b>(3)</b> In addition to any other requirement, if the child is in an out-of-home placement, the case plan must include:</p> <p>(a)A description of the type of placement in which the child is to be living.</p> <p>(b)A description of the parent’s visitation rights and obligations and the plan for sibling visitation if the child has siblings and is separated from them.</p> <p>(c)When appropriate, for a child who is 13 years of age or older, a written description of the programs and services that will help the child prepare for the transition from foster care to independent living.</p> <p>(d)A discussion of the safety and the appropriateness of the child’s placement, which placement is intended to be safe, and the least restrictive and the most family-like setting available consistent with the best interest and special needs of the child and in as close proximity as possible to the child’s home.</p>
Unwed Pregnant Minor – Consent to Medical or Surgical Care	§743.065	<p>(1) An unwed pregnant minor may consent to the performance of medical or surgical care or services relating to her pregnancy by a hospital or clinic or by a physician licensed under chapter 458 or chapter 459, and such consent is valid and binding as if she had achieved her majority.</p>

		(2) An unwed minor mother may consent to the performance of medical or surgical care or services for her child by a hospital or clinic or by a physician licensed under chapter 458 or chapter 459, and such consent is valid and binding as if she had achieved her majority.
<p><b>Title XLVIII. K-20 Education Code. Chapter 1002 – Student and Parental Rights and Education Choices</b></p> <p>*Title XLVIII. Chapter 1002 may be accessed in its entirety at: <a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;URL=1000-1099/1002/1002ContentsIndex.html">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;URL=1000-1099/1002/1002ContentsIndex.html</a></p>		
K-12 education records	§1002.221	<p>(1) Education records, as defined in the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g, and the federal regulations issued pursuant thereto, are confidential and exempt from s. <u>119.07(1)</u> and s. 24(a), Art. I of the State Constitution.</p> <p>(2)(a) <u>An agency, as defined in s. 1002.22(1)(a), or a public school, center, institution, or other entity that is part of Florida’s education system under s. 1000.04(1), (3), or (4), may not release a student’s education records without the written consent of the student or parent to any individual, agency, or organization, except in accordance with and as permitted by the FERPA.</u> Education records released by an agency, as defined in s. <u>1002.22(1)(a)</u>, or by a public school, center, institution, or other entity that is part of Florida’s education system under s. <u>1000.04(1), (3), or (4)</u>, to the Auditor General or the Office of Program Policy Analysis and Government Accountability, which are necessary for such agencies to perform their official duties and responsibilities, shall be used and maintained by the Auditor General and the Office of Program Policy Analysis and Government Accountability in accordance with the FERPA.</p> <p><i>(b) In accordance with FERPA and the federal regulations issued pursuant to FERPA, an agency, as defined in s. 1002.22, or a public school, center, institution, or other entity that is part of Florida’s education system under s. 1000.04(1), (3), or (4) may release a student’s education records without written consent of the student or parent to parties to an interagency agreement among the Department of Juvenile Justice, the school, law enforcement authorities, and other signatory agencies. The purpose of such an agreement and information sharing is to reduce juvenile crime, especially motor vehicle theft, by promoting cooperation and collaboration and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and</i></p>



K-12 education records (cont).	§1002.221	<i>expulsions, which provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions and that support students in successfully completing their education. Information provided in furtherance of an interagency agreement is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of the programs and services, and is in-admissible in any ct proceeding before a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.</i>
<b>Title XIII - Health Information Technology, Subtitle D – Privacy</b> American Recovery and Reinvestment Act of 2009, Division A - Appropriation Provisions		
Education on Health Information Privacy.	§13403(a.) and (b.)	<p>(a) Regional Office Privacy Advisors.— Not later than 6 months after the date of the enactment of this Act, the Secretary shall designate an individual in each regional office of the Department of Health and Human Services to offer guidance and education to covered entities, business associates, and individuals on their rights and responsibilities related to Federal privacy and security requirements for protected health information.</p> <p>(b) Education Initiative on Uses of Health Information.— Not later than 12 months after the date of the enactment of this Act, the Office for Civil Rights within the Department of Health and Human Services shall develop and maintain a multi-faceted national education initiative to enhance public transparency regarding the uses of protected health information, including programs to educate individuals about the potential uses of their protected health information, the effects of such uses, and the rights of individuals with respect to such uses. Such programs shall be conducted in a variety of languages and present information in a clear and understandable manner.</p>
Application of Privacy Provisions & Penalties to Business Associates of Covered Entities (Breach)	§13404(a-c)	(a) Application of Contract Requirements.— In the case of a business associate of a covered entity that obtains or creates protected health information pursuant to a written contract (or other written arrangement) described in section 164.502(e)(2) of title 45, Code of Federal Regulations, with such covered entity, the business associate may use and disclose such protected health information only if such use or

<p>Application of Privacy Provisions &amp; Penalties to Business Associates of Covered Entities (Breach)</p>	<p>§13404(a-c)</p>	<p>disclosure, respectively, is in compliance with each applicable requirement of section 164.504(e) of such title. The additional requirements of this subtitle that relate to privacy and that are made applicable with respect to covered entities shall also be applicable to such a business associate and shall be incorporated into the business associate agreement between the business associate and the covered entity.</p> <p>(b) Application of Knowledge Elements Associated With Contracts.— Section 164.504(e)(1)(ii) of title 45, Code of Federal Regulations, shall apply to a business associate described in subsection (a), with respect to compliance with such subsection, in the same manner that such section applies to a covered entity, with respect to compliance with the standards in sections 164.502(e) and 164.504(e) of such title, except that in applying such section 164.504(e)(1)(ii) each reference to the business associate, with respect to a contract, shall be treated as a reference to the covered entity involved in such contract.</p> <p>(c) Application of Civil and Criminal Penalties.— In the case of a business associate that violates any provision of subsection (a) or (b), the provisions of sections 1176 and 1177 of the <a href="#">Social Security Act</a> (42 U.S.C. 1320d-5, 1320d-6) shall apply to the business associate with respect to such violation in the same manner as such provisions apply to a person who violates a provision of part C of title XI of such Act.</p>
<p><b>Other FL Statutes which may have some applicability:</b>  Title XXIX Public Health: Chapter 394 (Mental Health) &amp; Chapter 397 (Substance Abuse)  <a href="http://www.flsenate.gov/Laws/Statutes/2010/Chapter394">http://www.flsenate.gov/Laws/Statutes/2010/Chapter394</a> and <a href="http://www.flsenate.gov/Laws/Statutes/2010/Chapter397">http://www.flsenate.gov/Laws/Statutes/2010/Chapter397</a>  Title XLIII Domestic Relations: Chapter 743 (Disability of Nonage of Minors)  <a href="http://www.flsenate.gov/Laws/Statutes/2010/Chapter743">http://www.flsenate.gov/Laws/Statutes/2010/Chapter743</a>  Title XXXII Regulations of Professions &amp; Occupations: Chapter 456 (Health Professions &amp; Occupations – General Provisions)  <a href="http://www.flsenate.gov/Laws/Statutes/2010/Chapter456">http://www.flsenate.gov/Laws/Statutes/2010/Chapter456</a></p>		