

1989

## Session Law 89-017

Florida Senate & House of Representatives

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**H 587 GENERAL BILL by Rojas and others (Identical S 471)**  
**Youth Services/Privileged Info; authorizes release of certain privileged information to Corrections Dept. Amends 959.225. Effective Date: 05/22/89.**

03/08/89 HOUSE Prefiled  
03/10/89 HOUSE Referred to Children & Youth  
04/04/89 HOUSE Introduced, referred to Children & Youth -HJ 60  
04/13/89 HOUSE On subcommittee agenda—Children & Youth, 04/17/89, 3:30 pm, 217-HOB  
04/17/89 HOUSE Subcommittee Recommendation: Favorable; On Committee agenda, pending subcommittee action—Children & Youth, 04/19/89, 8:30 am, 212-HOB  
04/19/89 HOUSE Preliminary Committee Action by Children & Youth: Favorable  
04/24/89 HOUSE Comm. Report: Favorable by Children & Youth, placed on Calendar -HJ 257  
04/28/89 HOUSE Placed on Special Order Calendar; Read second time -HJ 305  
05/02/89 HOUSE Read third time; Passed; YEAS 113 NAYS 2 -HJ 316; Immediately certified -HJ 316  
05/02/89 SENATE In Messages  
05/10/89 SENATE Received, referred to Health and Rehabilitative Services -SJ 297; Immediately withdrawn from Health and Rehabilitative Services; Substituted for SB 471; Passed; YEAS 36 NAYS 0 -SJ 305  
05/11/89 Ordered enrolled  
05/16/89 Signed by Officers and presented to Governor -HJ 504  
05/22/89 Approved by Governor; Chapter No. 89-17 -HJ 600

**NOTES:** Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME: H587.YO.F  
DATE: July 10, 1989

\*AS PASSED BY THE 1989 LEGISLATURE\*

HOUSE OF REPRESENTATIVES  
COMMITTEE ON CHILDREN AND YOUTH  
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 587

RELATING TO: Release Of Privileged Information

SPONSOR(S): Rep. Rojas

EFFECTIVE DATE: Upon becoming a law

DATE BECAME LAW: 5/22/89

CHAPTER NUMBER: 89-17 Laws of Florida

COMPANION BILL(S): Identical to SB 471

OTHER COMMITTEES OF REFERENCE: (1) \_\_\_\_\_

(2) \_\_\_\_\_

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I. SUMMARY:

A. PRESENT SITUATION:

Chapter 959, F.S., which relates to youth services and preceded Chapter 39, F.S., provides regulations for proceedings involving juveniles. Section 959.225, F.S., specifies that information regarding the juveniles served under Chapter 959 is privileged. These HRS records are not open to the public and can be inspected only upon order of the Secretary of HRS or his authorized agent, by persons determined to have sufficient reason for the information. This information may be disclosed to employees of HRS who have a need to know and to other persons as authorized by the department through administrative rules. Chapter 10H-10, Florida Administrative Code, specifies that authorized agents of law enforcement agencies, corrections agencies and the Parole and Probation Commission, among others, have access to these files.

Section 39.12(4), F.S., related to confidential court records of juveniles in judicial proceedings, specifically identifies the Department of Corrections as one of a number of interested parties who shall have the right to inspect and copy official records pertaining to the child in delinquency proceedings.

B. EFFECT OF PROPOSED CHANGES:

HB 587 identifies the Department of Corrections as one of the parties authorized to have access to privileged information under s. 959.255(3), F.S.

C. SECTION-BY-SECTION ANALYSIS:

Section 1:

Section 959.255(3), F.S., is amended to explicitly provide the Department of Corrections access to privileged records. This access is to be provided upon request by the Department of Corrections.

Section 2:

This bill will take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise, and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

This legislation is consistent with the State Comprehensive Plan goal, s. 187.201(2), F.S., to promote coordination between agencies providing services to children.

IV. COMMENTS:

HRS indicates that departmental rules and s. 39.12(4), F.S., currently provide for DOC to access privileged juvenile delinquency records.

This legislation was a product of the Crime Prevention and Law Enforcement Study Commission and is supported by the Governor's Office.

This bill is also consistent with the Children and Youth Committee's mission statement and the House Policy statement as it relates to the facilitation of interagency coordination on services to children, especially the sharing of information.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Karen Mann  
Karen Mann

Staff Director:

Richard Herring  
Richard Herring

APPROPRIATIONS:

Prepared by:

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Staff Director:

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REVISED: \_\_\_\_\_

BILL NO. SB 471

DATE: April 26, 1989

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Morton</u>	<u>Whiddon</u>	1. <u>HRS</u>	<u>Favorable</u>
2. <u>Hosack</u>	<u>Stengle</u>	2. <u>GO</u>	<u>Favorable</u>
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Youth Services; Privileged Information

BILL NO. AND SPONSOR:

SB 471 by Senator Grant

I. SUMMARY:

A. Present Situation:

Chapter 119, F.S., the Public Records Law, requires government records to be open to public inspection and copying, except as otherwise specifically exempted by law.

Chapter 959, F.S., charges the Department of Health and Rehabilitative Services (HRS) with implementing a statewide, comprehensive youth services program for the prevention, control, and treatment of juvenile delinquency. The department is required to make and maintain records regarding children who are served within its programs. Children subject to the provisions of the chapter are defined as unmarried persons under the age of 18 years who are alleged to be, or have been adjudicated, delinquent.

Section 959.225, F.S., specifies that records regarding the children served under ch. 959, F.S., are not open to inspection by the public. Such records may be inspected only upon order of the Secretary of Health and Rehabilitative Services, or his authorized agent, by persons determined to have sufficient reason for the information. The privileged information may be disclosed to employees of HRS who have a need to know in order to perform their official duties, and to other persons as authorized by departmental rules. Chapter 10H-10, F.A.C., specifies that authorized agents of law enforcement agencies, among others, have access to these files.

The Florida Youthful Offender Act, which is contained in ch. 958, F.S., provides that the Department of Corrections will provide vocational, educational, and rehabilitative services to youthful offenders to encourage their successful return to the community. Section 39.12(4), F.S., 1988 Supp., relating to confidential court records of juveniles in judicial proceedings, specifically identifies the Department of Corrections as one of a number of interested parties who shall have the right to inspect and copy any official record pertaining to the child.

B. Effect of Proposed Changes:

Section 959.255, F.S., would be amended to specifically identify the Department of Corrections as among those authorized to have access to privileged information under Section 959.255(3), F.S. Such access would be required to be provided upon the request of the Department of Corrections, rather than at the discretion of the Secretary of Health and Rehabilitative Services or his authorized agent.

REVISED: \_\_\_\_\_

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II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

According to the Department of Corrections, the records of juveniles which are maintained by HRS are useful to the Department of Corrections in determining the treatment program of youthful offenders within its jurisdiction.

IV. AMENDMENTS:

None.