

By the Committee on Children and Families

300-1324B-03

1 A bill to be entitled
2 An act relating to public records; amending s.
3 409.175, F.S.; providing for the
4 confidentiality of certain information held by
5 the Department of Children and Family Services,
6 the Department of Health, and the fire
7 inspector concerning licensed family foster
8 homes and applicants for such licensure;
9 exempting the names of minor children and
10 household members, information that would
11 identify neighbors, and personal and sensitive
12 information from public disclosure; providing
13 for the release of certain information after a
14 specified period if the information concerns an
15 applicant for licensure or concerns a foster
16 parent who does not become an adoptive parent
17 and no longer cares for foster children;
18 providing for the court to conduct an in camera
19 review to determine whether information is
20 exempt from public disclosure; providing for
21 future legislative review and repeal; providing
22 a statement of public necessity; providing an
23 effective date.

24

25 Be It Enacted by the Legislature of the State of Florida:

26

27 Section 1. Subsection (16) of section 409.175, Florida
28 Statutes, is amended to read:

29

30

 409.175 Licensure of family foster homes, residential
child-caring agencies, and child-placing agencies.--

31

1 (16)(a) The following information ~~contained in the~~
2 ~~licensing file~~ held by the department, the Department of
3 Health, or a fire inspector regarding applicants for family
4 foster home licensure or persons whose home is licensed as a
5 family foster home under this section, including their
6 spouses, minor children, and other adult household members, is
7 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art.
8 I of the State Constitution unless otherwise ordered by a
9 court:

10 1. The home, business, work, childcare, or school
11 addresses, telephone numbers, social security numbers,
12 birthdates, and photographs of the members of the family
13 foster home;

14 2. The names of the minor children in the family
15 foster home;

16 3. The names, telephone numbers, addresses, or other
17 information that would identify the location of the neighbor
18 contained in the neighbor references;~~persons who are licensed~~
19 ~~under this section to be family foster parents and of their~~
20 ~~spouses, their minor children, and other adult household~~
21 ~~members; identifying information about such persons in~~
22 ~~neighbor references;~~

23 4. The floor plan of the foster home; and

24 5. Personal and sensitive information contained in the
25 family profile, the evaluation materials of the Florida Model
26 Approach to Partnership and Parenting, the report of the home
27 study, personal or neighbor references, the health inquiry
28 letter, and the income questionnaire of the members of the
29 family foster home.

30 (b) As used in this subsection, the term "personal and
31 sensitive information" includes medical records or

1 information, financial records or information, and otherwise
2 embarrassing private facts concerning the members of the
3 foster family, unless such information is contained in other
4 public records, is not exempt from public disclosure, or is
5 not confidential.

6 (c) any identifying information about such persons
7 contained in similar sensitive, personal information that is
8 provided to the department by such persons. This subsection
9 applies to foster parents whose homes are licensed under this
10 section, including, but not limited to, all individuals who
11 have previously been ~~were~~ foster parents. If a foster parent's
12 license is no longer active and the foster parent does not
13 become an adoptive parent, the information made exempt under
14 this subsection, with the exception of the foster parent's
15 social security number and the personal and sensitive
16 information concerning that foster parent, shall become public
17 information 5 years after the expiration of the foster
18 parent's foster care license.

19 (d) If a foster parent applicant does not receive a
20 foster parent license, the information made exempt under this
21 subsection, with the exception of the applicant's social
22 security number and personal and sensitive information
23 concerning that applicant, shall become public information 5
24 years after the date of the license application.

25 (e) If there is a dispute regarding whether
26 information identified as personal and sensitive information
27 under this subsection is exempt from public disclosure, the
28 court may be petitioned for an in camera review of the
29 information to determine if the information or any part
30 thereof is exempt as provided in this subsection. The court
31 may also be petitioned for an in camera review to determine if

1 a compelling reason exists to release information or any part
2 thereof made exempt from public disclosure under this
3 subsection.~~and became adoptive parents. This subsection is~~
4 ~~subject to the Open Government Sunset Review Act of 1995 in~~
5 ~~accordance with s. 119.15, and shall stand repealed on October~~
6 ~~2, 2003, unless reviewed and saved from repeal through~~
7 ~~reenactment by the Legislature.~~

8 Section 2. Subsection (16) of section 409.175, Florida
9 Statutes, is subject to the Open Government Sunset Review Act
10 of 1995 in accordance with section 119.15, Florida Statutes,
11 and shall stand repealed on October 2, 2008, unless reviewed
12 and saved from repeal through reenactment by the Legislature.

13 Section 3. The Legislature finds that it is a public
14 necessity that the public-records exemption found in
15 subsection (16) of section 409.175, Florida Statutes,
16 regarding licensed family foster homes be expanded to include
17 certain personal and sensitive information; the names of the
18 minor children in the home; and the names, telephone numbers,
19 and addresses of neighbor references. The Legislature finds
20 that this exemption should be extended to foster parent
21 applicants and foster parents whose licenses have become
22 inactive. The personal and sensitive information to which this
23 exemption is expanded applies solely to certain documents
24 concerning foster parents and the medical information,
25 financial information, or background information contained in
26 those documents concerning the history or experiences of
27 members of the foster family which may embarrass or damage the
28 character of the family or its members. Such matters have
29 traditionally been considered private. Public access to such
30 information could be defamatory or embarrassing and
31 constitutes an unwarranted invasion into the life and privacy

1 of a person. Thus, the harm caused from disclosing certain
2 personal and sensitive information outweighs any public
3 benefit that can be derived from public disclosure.
4 Furthermore, the public availability of this particularly
5 personal and sensitive information could lessen the
6 willingness of prospective caregivers to reveal necessary
7 medical information, financial capabilities to support foster
8 children, and personal history that demonstrates an ability to
9 deal with the difficulties and adversities of caring for
10 foster children, thus hindering the department's ability to
11 assess foster parent applicants and licensed foster parents
12 and hindering the department's attempts to make appropriate
13 placements for foster children. The Legislature finds that
14 public disclosure of the names of the foster parents allows
15 for the review of substantive information concerning, but not
16 limited to, compliance with licensing requirements and
17 performance of the foster family. However, the availability of
18 the names of the minor children or the names, telephone
19 numbers, or addresses of the neighbors providing references
20 does not further such a review but instead provides
21 information that could facilitate the location of the foster
22 home and foster family. Revealing this location increases the
23 risk that other individuals, including the parents or
24 relatives of children in foster care, could threaten, harass,
25 or cause physical harm or other injury to foster children or
26 their foster families. The Legislature further finds that it
27 is a public necessity to provide foster parent applicants and
28 foster parents whose license becomes inactive, but who have
29 not adopted a child and who are no longer caring for foster
30 children, with the same protections afforded licensed foster
31 parents in order to encourage persons to apply to become

1 licensed foster parents. The public availability of such
2 information regarding foster parent applicants and foster
3 parents who discontinue caring for foster children would have
4 a negative, chilling effect on the recruitment of such
5 persons. Accordingly, it is a public necessity that such
6 applicant information; information concerning a foster parent
7 whose license is inactive; names of the minor children; names,
8 addresses, and telephone numbers of neighbors; and sensitive
9 and personal information remain exempt from public disclosure
10 in order for the Department of Children and Family Services to
11 effectively and efficiently run the foster care program.

12 Section 4. This act shall take effect October 1, 2003.

14 *****

15 SENATE SUMMARY

16 Revises an exemption from the public-records law to
17 provide for the confidentiality of certain information
18 held by the Department of Children and Family Services,
19 the Department of Health, and the fire inspector
20 concerning family foster homes. Provides for the
21 confidentiality of information concerning licensed homes
22 and applicants for such licensure, the names of minor
23 children and household members, information that
24 identifies neighbors, and personal and sensitive
25 information. Provides for certain information to be
26 subject to disclosure after 5 years if the information
27 concerns an applicant for licensure or concerns a foster
28 parent who does not become an adoptive parent and no
29 longer cares for foster children. Provides for future
30 legislative review and repeal of the exemptions. Provides
31 a statement of public necessity.