

By the Committees on Governmental Oversight and Productivity;
and Children and Families

302-2457-03

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

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsection (16) of section 409.175, Florida
25 Statutes, is amended to read:

26 409.175 Licensure of family foster homes, residential
27 child-caring agencies, and child-placing agencies.--

28 (16)(a) The following information ~~contained in the~~
29 ~~licensing file~~ held by the Department of Health, a fire
30 inspector pursuant to a facility or fire inspection, or the
31 department regarding applicants for family foster home

1 licensure or persons whose home is licensed as a family foster
2 home under this section, including their spouses, minor
3 children, and other adult household members,~~the department is~~
4 ~~exempt from the provisions of s. 119.07(1) and s. 24(a), Art.~~
5 ~~I of the State Constitution unless otherwise ordered by a~~
6 ~~court:~~

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

11 2. The names of the minor children in the family
12 foster home;

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

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

21 5. Medical records or medical information contained in
22 the family profile, the evaluation materials of the Florida
23 Model Approach to Partnership and Parenting, the report of the
24 home study, personal or neighbor references, and the health
25 inquiry letter of the members of the family foster home. any
26 ~~identifying information about such persons contained in~~
27 ~~similar sensitive, personal information that is provided to~~
28 ~~the department by such persons.~~

29 (b) This subsection applies to foster parents whose
30 homes are licensed under this section, including, but not
31 limited to, all individuals who have previously been ~~were~~

1 foster parents. If a foster home is no longer licensed and the
2 foster parent does not become an adoptive parent, the
3 information made exempt under this subsection, with the
4 exception of the social security numbers and the medical
5 records and medical information concerning the members of the
6 foster family, shall become public information 5 years after
7 the foster home is no longer licensed.

8 (c) If an applicant for a foster home license does not
9 receive the license, the information made exempt under this
10 subsection, with the exception of the social security numbers
11 and medical records or medical information concerning members
12 of the applicant's foster family, shall become public
13 information 5 years after the date of the first documented
14 inquiry.~~and became adoptive parents. This subsection is~~
15 ~~subject to the Open Government Sunset Review Act of 1995 in~~
16 ~~accordance with s. 119.15, and shall stand repealed on October~~
17 ~~2, 2003, unless reviewed and saved from repeal through~~
18 ~~reenactment by the Legislature.~~

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

24 Section 3. The Legislature finds that it is a public
25 necessity that the public-records exemption found in
26 subsection (16) of section 409.175, Florida Statutes,
27 regarding licensed family foster homes be expanded to include
28 certain medical records and medical information; the names of
29 the minor children in the home; and the names, telephone
30 numbers, and addresses of neighbor references. The Legislature
31 finds that this exemption should be extended to foster parent

1 applicants and foster parents whose licenses have become
2 inactive. The medical records and medical information to which
3 this exemption is expanded applies solely to certain
4 information concerning foster parents or members of the foster
5 family which may embarrass or damage the character of the
6 family or its members. Such information has traditionally been
7 considered private. Public access to such information could be
8 defamatory or embarrassing and constitutes an unwarranted
9 invasion into the life and privacy of a person. Thus, the harm
10 caused from disclosing certain medical records and medical
11 information outweighs any public benefit that can be derived
12 from public disclosure. Furthermore, the public availability
13 of these medical records and medical information could lessen
14 the willingness of prospective caregivers to reveal necessary
15 medical information, thus hindering the department's ability
16 to assess foster parent applicants and licensed foster parents
17 and hindering the department's attempts to make appropriate
18 placements for foster children. The Legislature finds that
19 public disclosure of the names of the foster parents allows
20 for the review of substantive information concerning, but not
21 limited to, compliance with licensing requirements and
22 performance of the foster family. However, the availability of
23 the names of the minor children or the names, telephone
24 numbers, or addresses of the neighbors providing references
25 does not further such a review but instead provides
26 information that could facilitate the location of the foster
27 home and foster family. Revealing this location increases the
28 risk that other individuals, including the parents or
29 relatives of children in foster care, could threaten, harass,
30 or cause physical harm or other injury to foster children or
31 their foster families. The Legislature further finds that it

1 is a public necessity to provide foster parent applicants and
2 foster parents who are no longer licensed, but who have not
3 adopted a child and who are no longer caring for foster
4 children, with the same protections afforded licensed foster
5 parents in order to encourage persons to apply to become
6 licensed foster parents. The public availability of such
7 information regarding foster parent applicants and foster
8 parents who discontinue caring for foster children would have
9 a negative, chilling effect on the recruitment of such
10 persons. Accordingly, it is a public necessity that such
11 applicant information; information concerning a foster parent
12 who is no longer licensed; names of the minor children; names,
13 addresses, and telephone numbers of neighbors; and medical
14 records and medical information remain exempt from public
15 disclosure in order for the Department of Children and Family
16 Services to effectively and efficiently run the foster care
17 program.

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

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20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 SB 1444

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24 Narrows the exemption.

25 Deletes the phrase "sensitive personal information" and limits
26 that portion of the exemption to medical records and medical
27 information.

28 Makes conforming changes to the statement of public necessity.

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