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1 A bill to be entitled

2 An act relating to a public records exemption for  
3 information regarding foster parent applicants and  
4 licensed foster parents; amending s. 409.175, F.S.;  
5 expanding the exemption to include foster parent  
6 applicants and medical records of licensed foster parents  
7 and foster parent applicants; narrowing the exemption to  
8 remove information contained in neighbor references;  
9 making exempt the name, address, and telephone number of  
10 persons providing character or neighbor references;  
11 providing for expiration and retroactive application of  
12 the exemptions; clarifying language and making editorial  
13 changes; providing for future review and repeal of the  
14 exemptions; providing a statement of public necessity;  
15 providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Notwithstanding the October 2, 2003, repeal of  
20 said subsection scheduled pursuant to the Open Government Sunset  
21 Review Act of 1995, subsection (16) of section 409.175, Florida  
22 Statutes, is amended to read:

23 409.175 Licensure of family foster homes, residential  
24 child-caring agencies, and child-placing agencies; public  
25 records exemption.--

26 (16)(a) The following information ~~contained in the~~  
27 ~~licensing file~~ held by the Department of Children and Family  
28 Services regarding a foster parent applicant and such  
29 applicant's spouse, minor child, and other adult household  
30 member ~~department~~ is exempt from the provisions of s. 119.07(1)



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31 and s. 24(a), Art. I of the State Constitution, unless otherwise  
 32 ordered by a court: the home, business, work, childcare, or  
 33 school addresses and, telephone numbers; social security  
 34 numbers; birthdates; medical records; the floor plan of the  
 35 home; and photographs of such persons. If a foster parent  
 36 applicant does not receive a foster parent license, the  
 37 information made exempt pursuant to this paragraph shall become  
 38 public 5 years after the date of application, except that social  
 39 security numbers and medical records shall remain exempt from  
 40 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
 41 Constitution. This exemption applies to information made exempt  
 42 by this paragraph before, on, or after the effective date of the  
 43 exemption.

44 (b) The following information held by the Department of  
 45 Children and Family Services regarding a licensed foster parent  
 46 and the foster parent's spouse, ~~who are licensed under this~~  
 47 ~~section to be family foster parents and of their spouses, their~~  
 48 minor ~~child~~ children, and other adult household ~~member~~ members  
 49 is exempt from the provisions of s. 119.07(1) and s. 24(a), Art.  
 50 I of the State Constitution, unless otherwise ordered by a  
 51 court: the home, business, work, childcare, or school addresses  
 52 and telephone numbers; social security numbers; birthdates;  
 53 medical records; ~~identifying information about such persons in~~  
 54 ~~neighbor references;~~ the floor plan of the ~~foster~~ home; and  
 55 photographs of such persons. If a foster parent's license is no  
 56 longer active, the information made exempt pursuant to this  
 57 paragraph shall become public 5 years after the expiration date  
 58 of such foster parent's foster care license, except that social  
 59 security numbers and medical records shall remain exempt from  
 60 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State



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61 Constitution. However, exempt information regarding a licensed  
62 foster parent who has become an adoptive parent and exempt  
63 information regarding such foster parent's spouse, minor child,  
64 or other adult household member shall not become available to  
65 the public 5 years after expiration of such foster parent's  
66 license and shall remain exempt from the provisions of s.  
67 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
68 exemption applies to information made exempt by this paragraph  
69 before, on, or after the effective date of the exemption.

70 (c) The name, address, and telephone number of persons  
71 providing character or neighbor references regarding foster  
72 parent applicants or licensed foster parents held by the  
73 Department of Children and Family Services are exempt from the  
74 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
75 Constitution and any identifying information about such persons  
76 contained in similar sensitive, personal information that is  
77 provided to the department by such persons. This subsection  
78 applies to foster parents whose homes are licensed under this  
79 section, including, but not limited to, all individuals who were  
80 foster parents and became adoptive parents. This subsection is  
81 subject to the Open Government Sunset Review Act of 1995 in  
82 accordance with s. 119.15, and shall stand repealed on October  
83 2, 2003, unless reviewed and saved from repeal through  
84 reenactment by the Legislature.

85 Section 2. Paragraphs (a) and (b) of subsection (16) of s.  
86 409.175, Florida Statutes, are subject to the Open Government  
87 Sunset Review Act of 1995 in accordance with s. 119.15, Florida  
88 Statutes, and shall stand repealed on October 2, 2008, unless  
89 reviewed and saved from repeal through reenactment by the  
90 Legislature.



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91           Section 3. The Legislature finds that it is a public  
92 necessity that the public records exemption found in s.  
93 409.175(16), Florida Statutes, be expanded to include medical  
94 records and certain information regarding foster parent  
95 applicants, as well as information regarding a foster parent  
96 applicant's spouse, child, and other adult household members, in  
97 order to protect information of a sensitive personal nature.  
98 Public access to such records could cause harm or embarrassment  
99 to an individual and constitutes an unwarranted invasion into an  
100 individual's life and personal privacy. The harm from disclosing  
101 medical records outweighs any public benefit that can be derived  
102 from public access to such records. The Legislature also finds  
103 that the public records exemption for medical records is a  
104 public necessity because matters of personal health are  
105 traditionally private and confidential concerns between a  
106 patient and a health care provider. The private and confidential  
107 nature of personal health matters pervades both the public and  
108 private health care sectors. Furthermore, the public  
109 availability of medical records could lessen the willingness of  
110 prospective caregivers to reveal medical information, thus  
111 hindering the department's ability to assess foster parent  
112 applicants and licensed foster parents and hindering the  
113 department's attempts to make appropriate placements for foster  
114 children. The Legislature further finds that it is a public  
115 necessity to provide foster parent applicants with the same  
116 public records exemption afforded licensed foster parents under  
117 s. 409.175(16), Florida Statutes, in order to encourage persons  
118 to apply to become licensed foster parents. The public  
119 availability of such information regarding foster parent  
120 applicants could have a negative, chilling effect on the



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121 recruitment of such persons. Accordingly, the public records  
122 exemption for such applicant information and for medical records  
123 is a public necessity for the effective and efficient operation  
124 of the foster care program.

125 Section 4. This act shall take effect upon becoming a law.