

By Senator Gardiner

9-01039-09

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1                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           409.175, F.S.; expanding the public-records exemption  
4           relating to information regarding a licensed foster  
5           parent and the foster parent's spouse, minor child,  
6           and other adult household members; removing a  
7           provision limiting the exemption to the information  
8           and records that are held by the Department of  
9           Children and Family Services; providing for future  
10          review and repeal of the exemption under the Open  
11          Government Sunset Review Act; providing a statement of  
12          public necessity; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16           Section 1. Paragraph (b) of subsection (16) of section  
17           409.175, Florida Statutes, is amended to read:

18           409.175 Licensure of family foster homes, residential  
19           child-caring agencies, and child-placing agencies; public  
20           records exemption.—

21           (16)

22           (b)1. The following information ~~held by the Department of~~  
23           ~~Children and Family Services~~ regarding a licensed foster parent  
24           and the foster parent's spouse, minor child, and other adult  
25           household member is exempt from s. 119.07(1) and s. 24(a), Art.  
26           I of the State Constitution:

27           a. The home, business, work, child care, or school  
28           addresses and telephone numbers;

29           b. Birth dates;

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- 30 c. Medical records;  
31 d. The floor plan of the home; and  
32 e. Photographs of such persons.

33 2. If a foster parent's license is no longer active, the  
34 information made exempt pursuant to this paragraph shall become  
35 public 5 years after the expiration date of such foster parent's  
36 foster care license except that:

37 a. Medical records shall remain exempt from s. 119.07(1)  
38 and s. 24(a), Art. I of the State Constitution.

39 b. Exempt information regarding a licensed foster parent  
40 who has become an adoptive parent and exempt information  
41 regarding such foster parent's spouse, minor child, or other  
42 adult household member shall remain exempt from s. 119.07(1) and  
43 s. 24(a), Art. I of the State Constitution.

44 3. This exemption applies to information made exempt by  
45 this paragraph before, on, or after the effective date of the  
46 exemption.

47 Section 2. Paragraph (b) of subsection (16) of section  
48 409.175, Florida Statutes, is subject to the Open Government  
49 Sunset Review Act in accordance with s. 119.15, Florida  
50 Statutes, and shall stand repealed on October 2, 2014, unless  
51 reviewed and saved from repeal through reenactment by the  
52 Legislature.

53 Section 3. The Legislature finds that it is a public  
54 necessity that the public-records exemption found in s.  
55 409.175(16)(b), Florida Statutes, be expanded to include records  
56 and information regarding a foster parent, and the foster  
57 parent's spouse, child, and other adult household members, in  
58 addition to the records and information held by the Department

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59 of Children and Family Services. Public access to such records  
60 held by any state agency could cause harm or embarrassment to an  
61 individual and constitute an unwarranted invasion into an  
62 individual's life and personal privacy. The harm from disclosing  
63 these records outweighs any public benefit that can be derived  
64 from public access to such records. Moreover, release of such  
65 identifying information might place a foster parent and his or  
66 her spouse, child, and other adult household member in danger of  
67 physical and emotional harm from disgruntled natural parents or  
68 relatives who may wish to usurp the legal process of the foster  
69 care system. Furthermore, the public availability of such  
70 records and identifying information regarding foster parents  
71 could have a negative, chilling effect on the recruitment of  
72 such persons to participate in the foster care system.  
73 Accordingly, the public-records exemption for such information  
74 is a public necessity for the effective and efficient operation  
75 of this state's foster care system.

76 Section 4. This act shall take effect July 1, 2009.