

1 A bill to be entitled
 2 An act relating to public records; amending ss. 119.071
 3 and 409.175, F.S.; expanding a public records exemption
 4 relating to licensed foster parents and their families to
 5 include records held by all agencies in addition to the
 6 Department of Children and Family Services; providing for
 7 future review and repeal of the exemption under the Open
 8 Government Sunset Review Act; providing a statement of
 9 public necessity; providing an effective date.

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

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13 Section 1. Subsection (6) is added to section 119.071,
 14 Florida Statutes, to read:

15 119.071 General exemptions from inspection or copying of
 16 public records.—

17 (6) INFORMATION RELATING TO FOSTER PARENTS AND THEIR
 18 FAMILIES.—

19 (a) The following information held by an agency regarding
 20 a licensed foster parent, and the foster parent's spouse, minor
 21 child, and other adult household member, is exempt from s.
 22 119.07(1) and s. 24(a), Art. I of the State Constitution:

23 1. The home, business, work, child care, or school
 24 addresses and telephone numbers;

25 2. Birth dates;

26 3. Medical records;

27 4. The floor plan of the home; and

28 5. Photographs of such persons.

HB 1099

2010

29 (b) If a foster parent's license is no longer active, the
30 information made exempt pursuant to this subsection shall become
31 public 5 years after the expiration date of such foster parent's
32 foster care license except that:

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

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

40 (c) This exemption applies to information made exempt by
41 this subsection before, on, or after the effective date of the
42 exemption.

43 (d) This subsection is subject to the Open Government
44 Sunset Review Act in accordance with s. 119.15, and shall stand
45 repealed on October 2, 2015, unless reviewed and saved from
46 repeal through reenactment by the Legislature.

47 Section 2. The Legislature finds that it is a public
48 necessity that the public records exemption currently found in
49 s. 409.175(16)(b), Florida Statutes, be expanded to include
50 records and information held by any agency regarding a licensed
51 foster parent, and the foster parent's spouse, minor child, and
52 other adult household members. Public access to such records
53 held by any agency could cause harm or embarrassment to an
54 individual and constitute an unwarranted invasion into the
55 individual's life and personal privacy. The harm from disclosing
56 these records outweighs any public benefit that can be derived

HB 1099

2010

57 from public access to such records. Moreover, release of such
58 identifying information might place a foster parent and his or
59 her spouse, child, or other adult household member in danger of
60 physical and emotional harm from disgruntled natural parents or
61 relatives who may wish to usurp the legal process of the foster
62 care system. Furthermore, the public availability of such
63 records and identifying information regarding foster parents
64 could have a negative, chilling effect on the recruitment of
65 such persons to participate in the foster care system.
66 Accordingly, the public records exemption for such information
67 is a public necessity for the effective and efficient operation
68 of this state's foster care system.

69 Section 3. Subsection (16) of section 409.175, Florida
70 Statutes, is amended to read:

71 409.175 Licensure of family foster homes, residential
72 child-caring agencies, and child-placing agencies; public
73 records exemption.—

74 (16)(a)1. The following information held by the Department
75 of Children and Family Services regarding a foster parent
76 applicant and such applicant's spouse, minor child, and other
77 adult household member is exempt from s. 119.07(1) and s. 24(a),
78 Art. I of the State Constitution:

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

81 b. Birth dates;

82 c. Medical records;

83 d. The floor plan of the home; and

84 e. Photographs of such persons.

85 2. If a foster parent applicant does not receive a foster
 86 parent license, the information made exempt pursuant to this
 87 paragraph shall become public 5 years after the date of
 88 application, except that medical records shall remain exempt
 89 from s. 119.07(1) and s. 24(a), Art. I of the State
 90 Constitution.

91 3. This exemption applies to information made exempt by
 92 this paragraph before, on, or after the effective date of the
 93 exemption.

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

99 ~~a. The home, business, work, child care, or school~~
 100 ~~addresses and telephone numbers;~~

101 ~~b. Birth dates;~~

102 ~~c. Medical records;~~

103 ~~d. The floor plan of the home; and~~

104 ~~e. Photographs of such persons.~~

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

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

111 ~~b. Exempt information regarding a licensed foster parent~~
 112 ~~who has become an adoptive parent and exempt information~~

HB 1099

2010

113 ~~regarding such foster parent's spouse, minor child, or other~~
114 ~~adult household member shall remain exempt from s. 119.07(1) and~~
115 ~~s. 24(a), Art. I of the State Constitution.~~

116 ~~3. This exemption applies to information made exempt by~~
117 ~~this paragraph before, on, or after the effective date of the~~
118 ~~exemption.~~

119 (b) ~~(e)~~ The name, address, and telephone number of persons
120 providing character or neighbor references regarding foster
121 parent applicants or licensed foster parents held by the
122 Department of Children and Family Services are exempt from s.
123 119.07(1) and s. 24(a), Art. I of the State Constitution.

124 Section 4. This act shall take effect October 1, 2010.

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