



201780

LEGISLATIVE ACTION

Senate

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House

Senator Montford moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(16) (a) 1. The following information held by the Department
of Children and Families regarding a foster parent applicant and



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12 such applicant's spouse, minor child, and other adult household
13 member is exempt from s. 119.07(1) and s. 24(a), Art. I of the
14 State Constitution:

15 a. Names;

16 b. The home, business, work, child care, or school
17 addresses and telephone numbers;

18 ~~c.b.~~ Birth dates;

19 ~~d.e.~~ Medical records;

20 ~~e.d.~~ The floor plan of the home; and

21 ~~f.e.~~ Photographs of such persons.

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

28 3. This exemption applies to information made exempt by
29 this paragraph before, on, or after the effective date of the
30 exemption.

31 (b)1. The following information held by the Department of
32 Children and Families regarding a licensed foster parent and the
33 foster parent's spouse, minor child, and other adult household
34 member is exempt from s. 119.07(1) and s. 24(a), Art. I of the
35 State Constitution:

36 a. Names;

37 b. The home, business, work, child care, or school
38 addresses and telephone numbers;

39 ~~c.b.~~ Birth dates;

40 ~~d.e.~~ Medical records;



41 ~~e.d.~~ The floor plan of the home; and

42 ~~f.e.~~ Photographs of such persons.

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 If a foster parent's license is no longer active, the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

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

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

54 3. If a licensed foster parent or the foster parent's
55 spouse, minor child, or other adult household member is charged
56 with committing a crime against a foster child who is in the
57 care of the licensed foster parent and the Department of
58 Children and Families suspends or revokes the foster parent's
59 license as a result, the information in sub-subparagraph 1.a.
60 regarding the charged individual is not exempt from s. 119.07(1)
61 and s. 24(a), Art. I of the State Constitution, except as
62 otherwise expressly made confidential or exempt by law.

63 4. This exemption applies to information made exempt by
64 this paragraph before, on, or after the effective date of the
65 exemption.

66 (c) The name, address, and telephone number of persons
67 providing character or neighbor references regarding foster
68 parent applicants or licensed foster parents held by the
69 Department of Children and Families are exempt from s. 119.07(1)



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70 and s. 24(a), Art. I of the State Constitution.

71 (d) Sub-subparagraphs (a)1.a. and (b)1.a. and subparagraph
72 (b)3. are subject to the Open Government Sunset Review Act in
73 accordance with s. 119.15 and shall stand repealed on October 2,
74 2024, unless reviewed and saved from repeal through reenactment
75 by the Legislature.

76 Section 2. (1) The Legislature finds it is a public
77 necessity that the following identifying information be exempt
78 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
79 the State Constitution:

80 (a) The name of a foster parent applicant;

81 (b) The names of spouses, minor children, and other adult
82 household members of such foster parent applicant;

83 (c) The name of a licensed foster parent; and

84 (d) The names of spouses, minor children, and other adult
85 household members of such licensed foster parent.

86 (2) The Legislature is committed to ensuring the safety of
87 all children. Among the state's most valued partners are foster
88 parents who make the choice to bring a child into their home.
89 There are instances where foster parents, by the nature of the
90 service they provide, find themselves and their families in
91 life-threatening situations, as was the case when a foster
92 mother was harmed by the foster children's biological parents in
93 August 2018. Consequently, the Legislature finds that the
94 release of the names of a foster parent applicant, a foster
95 parent, their minor children, or adult household members could
96 lead to unwanted contact and harassment from disgruntled parents
97 who react inappropriately due to their children being taken from
98 them and placed in out-of-home care. Additionally, exempting



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99 these names helps to maintain the confidentiality of the foster
100 children placed in the home. For example, if a foster parent has
101 an unusual name, any person acquiring a list of the names of the
102 foster parents and other members of the household could uncover
103 information about the foster children living in the home.

104 (3) Foster parents provide a valuable service to the child
105 welfare system by providing a safe and nurturing environment for
106 children who have been removed from their homes due to a
107 parent's abandonment, abuse, or neglect. Following a public
108 records request in 2018 for a list of names for all licensed
109 foster parents and corresponding counties, the Department of
110 Children and Families received numerous letters from current
111 foster parents. In these letters, the foster parents expressed
112 their concerns with having their names released to the public.
113 Several expressed that if their names be released, they would no
114 longer wish to serve as foster parents. Therefore, the
115 Legislature finds that by exempting the names of foster parent
116 applicants, foster parents, their minor children, or adult
117 household members, the Department of Children and Families is
118 assisted in its priority to recruit and retain foster parents.
119 This in turn helps ensure that there are enough out-of-home
120 placements for children within the child welfare system.

121 (4) The Legislature further finds that it is necessary to
122 maintain government accountability by balancing the public's
123 right to know with the Legislature's interest in protecting and
124 recruiting foster parents. Therefore, an exception is created
125 stating that if a licensed foster parent or his or her spouse,
126 minor child, or adult household member is charged with
127 committing a crime against a foster child who is in the care of



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128 the licensed foster parent which results in the suspension or
129 revocation of that foster parent's license, the name of the
130 charged individual is not exempt unless it is otherwise
131 expressly made confidential or exempt by law.

132 Section 3. This act shall take effect July 1, 2019.

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134 ===== T I T L E A M E N D M E N T =====

135 And the title is amended as follows:

136 Delete everything before the enacting clause
137 and insert:

138 A bill to be entitled
139 An act relating to public records; amending s.
140 409.175, F.S.; providing an exemption from public
141 records requirements for the names of foster parent
142 applicants and licensed foster parents, and the names
143 of the spouses, minor children, and adult household
144 members of such applicants and foster parents, which
145 are held by the Department of Children and Families;
146 providing an exception, under specified circumstances,
147 for certain individuals charged with certain crimes;
148 providing for future legislative review and repeal of
149 the exemption; providing a statement of public
150 necessity; providing an effective date.