

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

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1 Committee/Subcommittee hearing bill: Oversight, Transparency &  
2 Public Management Subcommittee

3 Representative Overdorf offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7

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

10 409.175 Licensure of family foster homes, residential  
11 child-caring agencies, and child-placing agencies; public  
12 records exemption.—

13 (16)(a)1. The following information held by the Department  
14 of Children and Families regarding a foster parent applicant and  
15 such applicant's spouse, minor child, and other adult household

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16 member is exempt from s. 119.07(1) and s. 24(a), Art. I of the  
17 State Constitution:

18 a. Names;

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

21 ~~c.b.~~ Birth dates;

22 ~~d.e.~~ Medical records;

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

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

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

31 3. This exemption applies to information made exempt by  
32 this paragraph before, on, or after the effective date of the  
33 exemption.

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

39 a. Names;

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40           **b.** The home, business, work, child care, or school  
41 addresses and telephone numbers;

42           ~~c.b.~~ Birth dates;

43           ~~d.e.~~ Medical records;

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

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

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

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

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

57           3. This exemption applies to information made exempt by  
58 this paragraph before, on, or after the effective date of the  
59 exemption.

60           4. If a licensed foster parent or the foster parent's  
61 spouse, minor child, or other adult household member is charged  
62 with committing a crime against a foster child who is in the  
63 care of the licensed foster parent which results in the  
64 Department of Children and Families suspending or revoking that

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65 foster parent's license, the exemption under sub-subparagraph  
66 1.a. no longer applies, and the name of the charged individual  
67 is not exempt from s. 119.07(1) and s. 24(a), Art. I of the  
68 State Constitution except as otherwise expressly made  
69 confidential or exempt by statute.

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 Families are exempt from s. 119.07(1)  
74 and s. 24(a), Art. I of the State Constitution.

75 (d) Sub-subparagraphs (a)1.a. and (b)1.a. and subparagraph  
76 (b)4. are subject to the Open Government Sunset Review Act in  
77 accordance with s. 119.15 and shall stand repealed on October 2,  
78 2024, unless reviewed and saved from repeal through reenactment  
79 by the Legislature.

80 Section 2. (1) The Legislature finds that it is a public  
81 necessity that the following identifying information held by the  
82 Department of Children and Families be made exempt from s.  
83 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
84 State Constitution:

85 (a) The name of a foster parent applicant.

86 (b) The names of the spouse, minor children, and other  
87 adult household members of a foster parent applicant.

88 (c) The name of a licensed foster parent.

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89 (d) The names of the spouse, minor children, and other  
90 adult household members of a licensed foster parent.

91 (2) The Legislature is committed to ensuring the safety of  
92 all children. Among the state's most valued partners are the  
93 foster parents who make the choice to bring a child into their  
94 home. There are instances in which foster parents, by the nature  
95 of the service they provide, find themselves and their families  
96 in life-threatening situations, as was the case in August 2018  
97 in which a foster mother was harmed by the foster children's  
98 biological parents. Consequently, the Legislature finds that the  
99 release of the names of the foster parent applicant, the foster  
100 parent, and the spouses, minor children, and other adult  
101 household members of the foster parent applicant and foster  
102 parent could lead to unwanted contact and harassment from  
103 disgruntled biological parents who react inappropriately due to  
104 their children's removal from their homes and placement in out-  
105 of-home care. Additionally, exempting these names from public  
106 records requirements helps to maintain the confidentiality of  
107 the foster children placed in the home. For example, if a foster  
108 parent has an unusual name, any person acquiring a list of the  
109 names of the foster parents and other members of the household  
110 could uncover information about the foster children living in  
111 the home.

112 (3) Foster parents provide a valuable service to the child  
113 welfare system by providing a safe and nurturing environment for

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114 children who have been removed from their homes due to a  
115 parent's abandonment, abuse, or neglect. Following a public  
116 records request in 2018 for a list of names for all licensed  
117 foster parents and corresponding counties, the Department of  
118 Children and Families received numerous letters from current  
119 foster parents. In these letters, the foster parents expressed  
120 their concerns with having their names released to the public,  
121 and several foster parents stated that they would no longer wish  
122 to serve as foster parents should their names be released.  
123 Therefore, the Legislature finds that by exempting the names of  
124 the foster parent applicant, the foster parent, and the spouses,  
125 minor children, and other adult household members of the foster  
126 parent applicant and foster parent, the Department of Children  
127 and Families is assisted in its priority to recruit and retain  
128 foster parents. This, in turn, helps ensure that there are  
129 enough out-of-home placements for children within the child  
130 welfare system.

131 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 Remove everything before the enacting clause and insert:

136  
137 An act relating to public records; amending s.  
138 409.175, F.S.; providing an exemption from public

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1249 (2019)

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139 records requirements for certain identifying  
140 information of foster parent applicants or licensed  
141 foster parents and the spouses, minor children, and  
142 other adult household members thereof; providing for  
143 retroactive application of the exemption; providing an  
144 exception to the exemption; providing for future  
145 legislative review and repeal of the exemption;  
146 providing a statement of public necessity; providing  
147 an effective date.