

1 A bill to be entitled
2 An act relating to public records; amending s.
3 409.175, F.S.; providing an exemption from public
4 records requirements for certain identifying
5 information of foster parent applicants and licensed
6 foster parents, and the spouses, minor children, and
7 other adult household members thereof; providing for
8 retroactive application of the exemption; providing an
9 exception to the exemption; providing for future
10 legislative review and repeal of the exemption;
11 providing a statement of public necessity; providing
12 an effective date.

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

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16 Section 1. Subsection (16) of section 409.175, Florida
17 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) (a)1. The following information held by the Department
22 of Children and Families regarding a foster parent applicant and
23 such applicant's spouse, minor child, and other adult household
24 member is exempt from s. 119.07(1) and s. 24(a), Art. I of the
25 State Constitution:

- 26 a. Names;
- 27 b. The home, business, work, child care, or school
- 28 addresses and telephone numbers;
- 29 ~~c.b.~~ Birth dates;
- 30 ~~d.e.~~ Medical records;
- 31 ~~e.d.~~ The floor plan of the home; and
- 32 ~~f.e.~~ Photographs of such persons.

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

39 3. This exemption applies to information made exempt by
 40 this paragraph before, on, or after the effective date of the
 41 exemption.

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

- 47 a. Names;
- 48 b. The home, business, work, child care, or school
- 49 addresses and telephone numbers;
- 50 ~~c.b.~~ Birth dates;

51 ~~d.e.~~ Medical records;

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

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

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 If a foster parent's license is no longer active, the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

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

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

65 3. This exemption applies to information made exempt by
 66 this paragraph before, on, or after the effective date of the
 67 exemption.

68 4. If a licensed foster parent or the foster parent's
 69 spouse, minor child, or other adult household member is charged
 70 with committing a crime against a foster child who is in the
 71 care of the licensed foster parent which results in the
 72 Department of Children and Families suspending or revoking that
 73 foster parent's license, the exemption under sub-subparagraph
 74 1.a. no longer applies, and the name of the charged individual
 75 is not exempt from s. 119.07(1) and s. 24(a), Art. I of the

76 State Constitution, except as otherwise expressly made
 77 confidential or exempt by statute.

78 (c) The name, address, and telephone number of persons
 79 providing character or neighbor references regarding foster
 80 parent applicants or licensed foster parents held by the
 81 Department of Children and Families are exempt from s. 119.07(1)
 82 and s. 24(a), Art. I of the State Constitution.

83 (d) Sub-subparagraphs (a)1.a. and (b)1.a. and subparagraph
 84 (b)4. are subject to the Open Government Sunset Review Act in
 85 accordance with s. 119.15 and shall stand repealed on October 2,
 86 2024, unless reviewed and saved from repeal through reenactment
 87 by the Legislature.

88 Section 2. (1) The Legislature finds that it is a public
 89 necessity that the following identifying information held by the
 90 Department of Children and Families be made exempt from s.
 91 119.07(1), Florida Statutes, and s. 24(a), Article I of the
 92 State Constitution:

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

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

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

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

99 (2) The Legislature is committed to ensuring the safety of
 100 all children. Among the state's most valued partners are the

101 foster parents who make the choice to bring a child into their
102 home. There are instances in which foster parents, by the nature
103 of the services they provide, find themselves and their families
104 in life-threatening situations, as was the case in August 2018
105 during which time a foster mother was harmed by the foster
106 children's biological parents. Consequently, the Legislature
107 finds that the release of the names of the foster parent
108 applicant, the foster parent, and the spouses, minor children,
109 and other adult household members of the foster parent applicant
110 and foster parent could lead to unwanted contact and harassment
111 from disgruntled biological parents who react inappropriately
112 due to their children's removal from their homes and placement
113 in out-of-home care. Additionally, exempting these names from
114 public records requirements helps maintain the confidentiality
115 of the foster children placed in the home. For example, if a
116 foster parent has an unusual name, any person acquiring a list
117 of the names of the foster parents and other members of the
118 household could uncover information about the foster children
119 living in the home.

120 (3) Foster parents provide a valuable service to the child
121 welfare system by providing a safe and nurturing environment for
122 children who have been removed from their homes due to a
123 parent's abandonment, abuse, or neglect. Following a public
124 records request in 2018 for a list of names of all licensed
125 foster parents and corresponding counties, the Department of

126 Children and Families received numerous letters from current
127 foster parents. In these letters, the foster parents expressed
128 their concerns with having their names released to the public,
129 and several foster parents stated that they would no longer wish
130 to serve as foster parents should their names be released.
131 Therefore, the Legislature finds that by exempting the names of
132 the foster parent applicant, the foster parent, and the spouses,
133 minor children, and other adult household members of the foster
134 parent applicant and foster parent, the Department of Children
135 and Families is assisted in its priority to recruit and retain
136 foster parents. This, in turn, helps ensure that there are
137 enough out-of-home placements for children within the child
138 welfare system.

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