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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2019	.	
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The Committee on Children, Families, and Elder Affairs  
(Montford) recommended 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



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11 of Children and Families regarding a foster parent applicant and  
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. Birth dates;~~

19 ~~d. Medical records;~~

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

21 ~~f. 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. Birth dates;~~



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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 If a foster parent's license is no longer active, the  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



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69 Department of Children and Families are exempt from s. 119.07(1)  
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



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98 them and placed in out-of-home care. Additionally, exempting  
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



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127 committing a crime against a foster child who is in the care of  
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.

133

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.