

By Senator Montford

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 409.175, F.S.; expanding exemptions from public
4 records requirements to include the names of foster
5 parent applicants and foster parents, and their
6 spouses, minor children, and other adult household
7 members, held by the Department of Children and
8 Families; providing for retroactive application of the
9 expanded exemptions; providing for future legislative
10 review and repeal of the expanded exemptions;
11 providing for reversion of specified language if the
12 exemptions are not saved from repeal; providing a
13 statement of public necessity; providing an effective
14 date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Paragraphs (a) and (b) of subsection (16) of
19 section 409.175, Florida Statutes, are amended to read:

20 409.175 Licensure of family foster homes, residential
21 child-caring agencies, and child-placing agencies; public
22 records exemption.—

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

28 a. Names;

29 b.~~a.~~ The home, business, work, child care, or school

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30 addresses and telephone numbers;

31 ~~c.b.~~ Birth dates;

32 ~~d.e.~~ Medical records;

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

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

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

41 3. ~~The This~~ exemption applies to information made exempt by
42 this paragraph before, on, or after July 1, 2019 ~~the effective~~
43 ~~date of the exemption.~~ The expansion of the public records
44 exemption under this paragraph to include the names of foster
45 parent applicants and their spouses, minor children, and other
46 adult household members is subject to the Open Government Sunset
47 Review Act in accordance with s. 119.15 and shall stand repealed
48 on October 2, 2024, unless reviewed and saved from repeal
49 through reenactment by the Legislature. If the expansion of the
50 exemption is not saved from repeal, this paragraph shall revert
51 to that in existence on June 30, 2019, except that any
52 amendments to such text other than by this act shall be
53 preserved and continue to operate to the extent that such
54 amendments are not dependent upon the portions of text which
55 expire pursuant to this paragraph.

56 (b)1. The following information held by the Department of
57 Children and Families regarding a licensed foster parent and the
58 foster parent's spouse, minor child, and other adult household

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

61 a. Names;

62 ~~b.a.~~ The home, business, work, child care, or school
63 addresses and telephone numbers;

64 ~~c.b.~~ Birth dates;

65 ~~d.e.~~ Medical records;

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

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

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

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

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

79 3. The ~~This~~ exemption applies to information made exempt by
80 this paragraph before, on, or after July 1, 2019 ~~the effective~~
81 ~~date of the exemption.~~ The expansion of the public records
82 exemption under this paragraph to include the names of foster
83 parents and their spouses, minor children, and other adult
84 household members is subject to the Open Government Sunset
85 Review Act in accordance with s. 119.15 and shall stand repealed
86 on October 2, 2024, unless reviewed and saved from repeal
87 through reenactment by the Legislature. If the expansion of the

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88 exemption is not saved from repeal, this paragraph shall revert
89 to that in existence on June 30, 2019, except that any
90 amendments to such text other than by this act shall be
91 preserved and continue to operate to the extent that such
92 amendments are not dependent upon the portions of text which
93 expire pursuant to this paragraph.

94 Section 2. The Legislature finds that it is a public
95 necessity that the names of foster parent applicants and foster
96 parents, and their spouses, minor children, and other adult
97 household members, held by the Department of Children and
98 Families pursuant to s. 409.175, Florida Statutes, be made
99 confidential and exempt from disclosure under s. 119.07(1),
100 Florida Statutes, and s. 24(a), Article I of the State
101 Constitution. Safeguarding the names of foster parent applicants
102 and foster parents, and their spouses, minor children, and other
103 adult household members, from disclosure will ensure that the
104 names of foster children will remain confidential. If a foster
105 parent applicant or foster parent, or his or her spouse, minor
106 child, or other adult household member, has an unusual name, any
107 person who acquires a list of the names of foster parent
108 applicants or foster parents, or their spouses, minor children,
109 and other adult household members, could potentially uncover
110 personally identifying information about the foster children
111 living in the home which could lead to unwanted contact by the
112 press or the children's relatives who are seeking to obtain
113 private and sensitive information regarding the children,
114 including, but not limited to, their location. Furthermore, the
115 disclosure of the names of the foster parent applicants and
116 foster parents, and their spouses, minor children, and other

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117 adult household members, would compromise the privacy of the
118 family and stifle the efforts by the Department of Children and
119 Families to recruit and retain foster parent applicants and
120 foster parents.

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