

By the Committee on Children, Families, and Elder Affairs; and
Senator Montford

586-03712-19

20191622c1

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 the names of foster parent
5 applicants and licensed foster parents, and the names
6 of the spouses, minor children, and adult household
7 members of such applicants and foster parents, which
8 are held by the Department of Children and Families;
9 providing an exception, under specified circumstances,
10 for certain individuals charged with certain crimes;
11 providing for future legislative review and repeal of
12 the exemption; providing a statement of public
13 necessity; providing an effective date.

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

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

19 409.175 Licensure of family foster homes, residential
20 child-caring agencies, and child-placing agencies; public
21 records exemption.—

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

27 a. Names;

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

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30 ~~c.b.~~ Birth dates;
31 ~~d.e.~~ Medical records;
32 ~~e.d.~~ The floor plan of the home; and
33 ~~f.e.~~ Photographs of such persons.

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

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

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

48 a. Names;
49 b. The home, business, work, child care, or school
50 addresses and telephone numbers;
51 ~~c.b.~~ Birth dates;
52 ~~d.e.~~ Medical records;
53 ~~e.d.~~ The floor plan of the home; and
54 ~~f.e.~~ Photographs of such persons.

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

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

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

66 3. If a licensed foster parent or the foster parent's
67 spouse, minor child, or other adult household member is charged
68 with committing a crime against a foster child who is in the
69 care of the licensed foster parent and the Department of
70 Children and Families suspends or revokes the foster parent's
71 license as a result, the information in sub-subparagraph 1.a.
72 regarding the charged individual is not exempt from s. 119.07(1)
73 and s. 24(a), Art. I of the State Constitution, except as
74 otherwise expressly made confidential or exempt by law.

75 4. This exemption applies to information made exempt by
76 this paragraph before, on, or after the effective date of the
77 exemption.

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)3. 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.

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

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

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

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

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

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

116 (3) Foster parents provide a valuable service to the child

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

133 (4) The Legislature further finds that it is necessary to
134 maintain government accountability by balancing the public's
135 right to know with the Legislature's interest in protecting and
136 recruiting foster parents. Therefore, an exception is created
137 stating that if a licensed foster parent or his or her spouse,
138 minor child, or adult household member is charged with
139 committing a crime against a foster child who is in the care of
140 the licensed foster parent which results in the suspension or
141 revocation of that foster parent's license, the name of the
142 charged individual is not exempt unless it is otherwise
143 expressly made confidential or exempt by law.

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