

By Senator Gardiner

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1 A bill to be entitled
 2 An act relating to public records; amending ss.
 3 119.071 and 409.175, F.S.; expanding a public-records
 4 exemption relating to licensed foster parents and
 5 their families to include records held by all agencies
 6 in addition to the Department of Children and Family
 7 Services; providing for future review and repeal of
 8 the exemption under the Open Government Sunset Review
 9 Act; providing a statement of public necessity;
 10 providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsection (6) is added to section 119.071,
 15 Florida Statutes, to read:

16 119.071 General exemptions from inspection or copying of
 17 public records.—

18 (6) INFORMATION RELATING TO FOSTER PARENTS AND THEIR
 19 FAMILIES.—

20 (a) The following information held by an agency regarding a
 21 licensed foster parent, and the foster parent's spouse, minor
 22 child, and other adult household member, is exempt from s.
 23 119.07(1) and s. 24(a), Art. I of the State Constitution:

- 24 1. The home, business, work, child care, or school
- 25 addresses and telephone numbers;
- 26 2. Birth dates;
- 27 3. Medical records;
- 28 4. The floor plan of the home; and
- 29 5. Photographs of such persons.

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30 (b) If a foster parent's license is no longer active, the
31 information made exempt pursuant to this subsection shall become
32 public 5 years after the expiration date of such foster parent's
33 foster care license except that:

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

36 2. Exempt information regarding a licensed foster parent
37 who has become an adoptive parent, and exempt information
38 regarding such foster parent's spouse, minor child, or other
39 adult household member, shall remain exempt from s. 119.07(1)
40 and s. 24(a), Art. I of the State Constitution.

41 (c) This exemption applies to information made exempt by
42 this subsection before, on, or after the effective date of the
43 exemption.

44 (d) This subsection is subject to the Open Government
45 Sunset Review Act in accordance with s. 119.15, and shall stand
46 repealed on October 2, 2015, unless reviewed and saved from
47 repeal through reenactment by the Legislature.

48 Section 2. The Legislature finds that it is a public
49 necessity that the public-records exemption currently found in
50 s. 409.175(16)(b), Florida Statutes, be expanded to include
51 records and information held by any agency regarding a foster
52 parent, and the foster parent's spouse, child, and other adult
53 household members. Public access to such records held by any
54 agency could cause harm or embarrassment to an individual and
55 constitute an unwarranted invasion into the individual's life
56 and personal privacy. The harm from disclosing these records
57 outweighs any public benefit that can be derived from public
58 access to such records. Moreover, release of such identifying

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59 information might place a foster parent, and his or her spouse,
60 child, and other adult household member, in danger of physical
61 and emotional harm from disgruntled natural parents or relatives
62 who may wish to usurp the legal process of the foster care
63 system. Furthermore, the public availability of such records and
64 identifying information regarding foster parents could have a
65 negative, chilling effect on the recruitment of such persons to
66 participate in the foster care system. Accordingly, the public-
67 records exemption for such information is a public necessity for
68 the effective and efficient operation of this state's foster
69 care system.

70 Section 3. Subsection (16) of section 409.175, Florida
71 Statutes, is amended to read:

72 409.175 Licensure of family foster homes, residential
73 child-caring agencies, and child-placing agencies; public
74 records exemption.—

75 (16) (a)1. The following information held by the Department
76 of Children and Family Services regarding a foster parent
77 applicant and such applicant's spouse, minor child, and other
78 adult household member is exempt from s. 119.07(1) and s. 24(a),
79 Art. I of the State Constitution:

80 a. The home, business, work, child care, or school
81 addresses and telephone numbers;

82 b. Birth dates;

83 c. Medical records;

84 d. The floor plan of the home; and

85 e. Photographs of such persons.

86 2. If a foster parent applicant does not receive a foster
87 parent license, the information made exempt pursuant to this

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88 paragraph shall become public 5 years after the date of
89 application, except that medical records shall remain exempt
90 from s. 119.07(1) and s. 24(a), Art. I of the State
91 Constitution.

92 3. This exemption applies to information made exempt by
93 this paragraph before, on, or after the effective date of the
94 exemption.

95 ~~(b)1. The following information held by the Department of~~
96 ~~Children and Family Services regarding a licensed foster parent~~
97 ~~and the foster parent's spouse, minor child, and other adult~~
98 ~~household member is exempt from s. 119.07(1) and s. 24(a), Art.~~
99 ~~I of the State Constitution:~~

100 a. ~~The home, business, work, child care, or school~~
101 ~~addresses and telephone numbers;~~

102 b. ~~Birth dates;~~

103 c. ~~Medical records;~~

104 d. ~~The floor plan of the home; and~~

105 e. ~~Photographs of such persons.~~

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

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

112 b. ~~Exempt information regarding a licensed foster parent~~
113 ~~who has become an adoptive parent and exempt information~~
114 ~~regarding such foster parent's spouse, minor child, or other~~
115 ~~adult household member shall remain exempt from s. 119.07(1) and~~
116 ~~s. 24(a), Art. I of the State Constitution.~~

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117 ~~3. This exemption applies to information made exempt by~~
118 ~~this paragraph before, on, or after the effective date of the~~
119 ~~exemption.~~

120 (b)~~(e)~~ The name, address, and telephone number of persons
121 providing character or neighbor references regarding foster
122 parent applicants or licensed foster parents held by the
123 Department of Children and Family Services are exempt from s.
124 119.07(1) and s. 24(a), Art. I of the State Constitution.

125 Section 4. This act shall take effect October 1, 2010.