

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 certain foster parent applicants and
 6 licensed foster parents, and the spouses, minor
 7 children, and other adult household members thereof;
 8 providing for retroactive application of the
 9 exemption; providing an exception to the exemption
 10 under certain circumstances; providing for future
 11 legislative review and repeal of the exemption;
 12 providing a statement of public necessity; providing
 13 an effective date.

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 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. The names of foster parent applicants for licensure as
 28 Level III homes under subparagraph (5)(a)3., and the names of
 29 such applicants' spouses, minor children, and other adult
 30 household members;

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

33 ~~c.b.~~ Birth dates;

34 ~~d.e.~~ Medical records;

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

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

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

43 3. This exemption applies to information made exempt by
 44 this paragraph before, on, or after the effective date of the
 45 exemption.

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

51 a. The names of foster parents licensed as Level III homes
52 under subparagraph (5)(a)3., and the names of such foster
53 parents' spouses, minor children, and other adult household
54 members;

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

57 ~~c.b.~~ Birth dates;

58 ~~d.e.~~ Medical records;

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

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

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 If a foster parent's license is no longer active, the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

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

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

72 3. This exemption applies to information made exempt by
73 this paragraph before, on, or after the effective date of the
74 exemption.

75 4. If a foster parent applicant or a licensed foster

76 parent or the foster parent's spouse, minor child, or other
77 adult household member is charged with any offense, or the
78 Department of Children and Families suspends or revokes the
79 foster parent's license, the name of the charged individual or
80 the licensed foster parent, respectively, shall not be exempt
81 from s. 119.07(1) and s. 24(a), Art. I of the State
82 Constitution, except as otherwise expressly made confidential or
83 exempt.

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

89 (d) Sub-subparagraphs (a)1.a. and (b)1.a. and subparagraph
90 (b)4. are subject to the Open Government Sunset Review Act in
91 accordance with s. 119.15 and shall stand repealed on October 2,
92 2024, unless reviewed and saved from repeal through reenactment
93 by the Legislature.

94 Section 2. (1) The Legislature finds that it is a public
95 necessity that the name of a foster parent applicant or licensed
96 foster parent, who has applied for licensure or is licensed
97 under s. 409.175(5)(a)3., respectively, and the names of such
98 applicant's or foster parent's spouse, minor child, or other
99 adult household member, respectively, held by the Department of
100 Children and Families be made exempt from s. 119.07(1), Florida

101 Statutes, and s. 24(a), Article I of the State Constitution.

102 (2) The Legislature is committed to ensuring the safety of
103 all children. Among the state's most valued partners are the
104 foster parents who make the choice to bring a child into their
105 homes. Foster parents who provide care for the victims of human
106 trafficking provide safe, nurturing, and therapeutic
107 environments tailored to children who have endured significant
108 trauma. Foster parents who provide care for commercially
109 sexually exploited children are at a heightened risk since human
110 trafficking is associated with gang activity and violence.
111 Therefore, the Legislature finds that the release of the names
112 of the foster parent applicant, the foster parent, and the
113 spouses, minor children, and other adult household members of
114 the foster parent applicant and foster parent who provide care
115 for commercially sexually exploited children could lead to
116 unwanted contact from dangerous human traffickers. Additionally,
117 exempting these names from public records requirements helps
118 maintain the safety and confidentiality of the commercially
119 sexually exploited children placed in the home. For example, if
120 a foster parent has an unusual name, any person acquiring a list
121 of the names of the foster parents and other members of the
122 household could uncover information about the foster children
123 living in the home.

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