

CHAPTER 98-29

Committee Substitute for Committee Substitute for House Bill No. 1849

An act relating to public records; amending s. 409.175, F.S.; providing an exemption from public records requirements for specified personal information contained in licensing files concerning persons licensed to be family foster parents and their spouses, children, and other adult household members; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

Section 1. Subsection (15) is added to section 409.175, Florida Statutes, to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies.—

(15) The following information contained in the licensing file held by the department is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution unless otherwise ordered by a court: the home, business, work, childcare, or school addresses, telephone numbers, social security numbers, birthdates, and photographs of persons who are licensed under this section to be family foster parents and of their spouses, their minor children, and other adult household members; identifying information about such persons in neighbor references; the floor plan of the foster home; and any identifying information about such persons contained in similar sensitive, personal information that is provided to the department by such persons. This subsection applies to foster parents whose homes are licensed under this section, including, but not limited to, all individuals who were foster parents and became adoptive parents. This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity to exempt from public disclosure the personal information specified in s. 409.175(15), Florida Statutes, concerning persons who are licensed to be family foster parents and their spouses, children, and other household members because it would reduce the risk that other individuals, including parents or relatives, could threaten, harass, or cause physical harm or other injury to foster children or their foster families. The Legislature further finds that the availability to the public of such personal and sensitive information lessens the willingness of prospective caregivers to reveal information, and such information is necessary in order to assess the abilities of foster parents and make appropriate placements for children. The Legislature further finds that the availability to the public of such information has a negative, chilling effect on the recruitment and retention of foster parents. Accordingly, the

exemption is a public necessity in order to effectively and efficiently run the foster care program and to protect the health, safety, and welfare of foster children and of foster parents, their spouses, their children, and other household members. Furthermore, because in part the exemption only affects identifying information, other substantive information is available to the public. This allows effective review of department decisions with regard to the foster care program without unnecessarily invading the privacy of foster parents, their spouses, their children, and other household members.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval April 29, 1998.

Filed in Office Secretary of State April 28, 1998.